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PART 1

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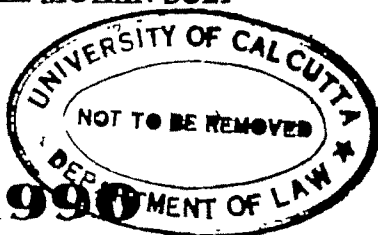
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THE CURRENT INDIAN STATUTES JOURNAL SECTION

1990

REVIEWS

STATUTORY RULES (Under Central Acts) ENCYCLOPAEDIA OF :
By Justice H.N. Seth, Justice K.B. Ashtana, Justice S.C. Mandanda, & V.K. Chitra (Vol. I) 1989 (2nd Edition) Published by Law Publishers (India) Pvt. Ltd., 18-A, Sardar Patel Marg, Allahabad. Pages about 870, Price Rs. 200/- per volume.

The Authors and the Publishers of this Encyclopaedia deserves congratulations and thanks of the legal profession for bringing out this publication. A lawyer is at a great trouble to locate Rules and Notifications issued under a particular Act as "Statutory Rules made under a Statute, must be treated for all purposes of construction or obligation exactly as if they were in the Act and are to be judicially noticed for all purposes of construction or obligation (A.I.R. 1961 S.C 751).

This work contains all the Rules, Notifications, Regulations made under a particular Central Act. The present Volume I contains the Notifications, Orders and Rules issued under The Advocates Act, 1961, The Administrative Tribunals Act, 1985, The Agricultural Produce (Grading and Marketing) Act, 1937, The Agricultural Produce Cess Act, 1940 etc. When we go through the Index one is wonder struck at the large number of Rules, Notifications, Orders and Regulations issued under an Act. Every Rule has been updated and arranged in a systematic manner along with the latest relevant orders, Schemes, Regulations, and Notifications. Short Notes are appended to the Rules wherever necessary. This encyclopaedic work is a unique and invaluable source of information not easily available for all concerned regarding any aspect of law. It provides information on every statutory instruments in force.

The multiple table of contents make this work easy to use. Any Rule can be effortlessly traced to its source with the help of act-wise contents of Rules reported, Chronological list of Rules in each volume, Alphabetically arranged list of Rules in each volume and comparative chart of rules Vs. relevant sections of the Act and vice versa.

The work will be found indispensable for the Hon'ble Judges, lawyers, the Police/ Administration Authorities who will find it very convenient to keep this authoritative source handy to get the latest information relating to the law of the country. The Banks, Corporate Sector and the professionals will find this set a prized possession in determining "to be cautiously observed" policies. In other words this work can be enjoyed by the specialist and the

General Reader. It will enable the inquisitive reader to have at his finger tips the means of knowing when a statutory instrument has been brought into force and ready access to the full text of it.

We have no doubt that this useful Encyclopaedia will be a must for every library. The get-up of the book is very good and very attractive.

MENTAL HEALTH ACT, 1987 : By Bholeswar Nath, 1989 Edition. Published by Eastern Book Co., 34 Lalbagh, Lucknow-226001. Pages about 200, Price Rs. 60/-.

The Mental Health Act, 1987, repealed the Indian Lunacy Act, 1912 with a clear aim and object to consolidate the law relating to mentally ill persons, better management of the property of a mentally ill person and for dealing with matters connected with the affairs of the property of mentally ill, with the overall object that a mentally ill person be given all protection. It is a social welfare legislation.

The learned Author has written a para-wise commentary on this Act giving notes and comments on the sections and has referred to the latest case-law. As the Act of 1987 is not retrospective in nature, the book also contains the text of the Indian Lunacy Act, 1912. The approach of the learned Author is direct and simple language is used. The rights and duties, remedies and procedure have been analysed and spelt out.

The various facts of medical legal jurisprudence have also been indicated in the book. The subject has been so dealt with so that it gives a quick and easy reference on any point needed.

This book will be found very useful by lawyers, Judges, Magistrates, officers and Doctors who are concerned with this subject. The presentation of the book is excellent.

ACCIDENT & COMPENSATION DIGEST, 1984-1989 : By Shashi Mohan Suri & Pradeep Bahl. 1989 Edition, Published by DLT Publications, 5335 Jawahar Nagar, Delhi. Pages about 1100, Price Rs. 295-00.

Welfare Legislation in the Country has brought far-reaching changes in the attitude of the people who have become aware of their rights and remedies. The Motor Vehicles Act, The Workmen Compensation Act, The Fatal Accidents Act, The Railways Act etc. have brought forth a large number of decided cases to which a busy lawyer has to refer to very often. But to locate a particular case when needed is the bane of a busy lawyer. The litigation in cases of compensation arising out of law of Torts has increased manifold and there is great increase of case law.

This publication contains all the important features of a comprehensive and exhaustive digest. References and cross-reference of other concerned journals wherein cases pertaining to compensation are reported have also been made. The cases have been digested alphabetically, Act-wise and Section-wise. A note-worthy feature is the exhaustive synopsis under all important headings and every care has been taken to make the catch-words as exhaustive as possible. The cases dealing with more than one subject have carefully been analysed and digested under different heads and under each subject or statute. All citations on the subject have been systematically arranged under analytical and precise head notes and every effort has been made to give correct exposition of the law.

The learned Authors have incorporated the new sections of the Motor Vehicles Act, 1988 against old sections of the 1939 Act. All statutes are alphabetically arranged. The search for a case-law has been made very easy.

We recommend this useful publication to all our readers. The get-up is excellent.

MARRIAGE AND DIVORCE IN INDIA, LAW OF : By B. P. Beri, 1989 (2nd) Edition. Published by Eastern Book Company, 34 Lalbagh, Lucknow-226001, Pages about 920. Price Rs. 200/-.

Justice B. P. Beri's Laws of Marriage and Divorce in India, now in its second Edition is a very welcome addition to the literature on the subject. In this volume he has dealt with the subject dealing to Hindus, Muslims Christians, Parsis. He has laid thread bare the provisions of the Hindu Marriage Act, Special Marriage Act, Indian Divorce Act, the Parsi Marriage Act, the Code of Criminal Procedure, the Family Court Act, etc. regarding marriage and Divorce.

The subject, although very wide in scope, has been sub-divided into various handy chapters, viz., Institution of Marriage, Void and voidable marriage, Restitution of Conjugal Rights, Judicial Separation and Divorce, Bars to Relief Maintenance and Alimony, Procedure and Practice, Children, Re-marriage and International Marriage and Divorce. Each chapter is sub-divided into handy chapters and separate sections deal with the law as pertains in India to Hindu, Muslims, Christian, Parsi etc. The language is very simple and easy to understand.

The present work is a commentary on the subject according to topics that confront lawyers. The Statute which deals with salient topics have been given on the top of each point. The learned Author has made references to decided English cases and in the revised edition, the patent case law of the Supreme Court and of the various High Courts have been referred to.

This is a self contained book on the subject on all the relevant statutes. Rules of different States are provided in the book which includes the Rules framed by the various High Courts and the Rules for Registration of marriage by different states. An exhaustive subject index helps to locate the desired information quickly.

We recommend the useful publication to all our readers who will find it most useful. The get-up of the book is excellent.

BUILDING CONTRACTS, LAW RELATING TO : By M. A. Sujan, 1990 Edition. Published by Universal Book Traders, 80 Gokhale Market Delhi-11054. Pages about 500. Price Rs. 225.00.

Construction industry is a big industry in the country. Almost everyone from the rich to the poor, from the Government to the petty contractor is involved in this activity. The industry seeks to deal with the housing problem of the nation which in effect is the visible barometer of a country's prosperity.

Building contracts essentially are a part of general law of contract or the law relating to Government contracts. Numerous problems arise out of the building contract and different set of contracts have been found by various Authorities. Arbitration is often resorted to settle the disputes.

The learned Author has written a treatise on the subject dividing the same into various chapters which deal with the subject in a clear precise language. Few of the chapters deal with viz., what is a contract, What is a building,

What is a building contract, Types of building contract, Performance of building contract, Obligation of Employer and the Contract, Breach of Contract, damages, frustration, interest, guarantee and arbitration. The learned author has referred to the latest case law on the subject making the book totally complete on the subject and indispensable.

We have no doubt that this book will become a companion volume to the Government Departments, dealing with the constructions, contractors, big companies, members of the Bench and the Bar who have to deal with the subject.

The get-up of the book is excellent.

PART I

NOTIFICATIONS, CENTRAL GOVERNMENT & SUPREME COURT

1990

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 13th June, 1989.

MINISTRY OF SURFACE TRANSPORT

S.O. 447(E).—(*dated June 13, 1989.*)—In exercise of the powers conferred by sub-rule (3) of Rule 1 of the **Central Motor Vehicles Rules, 1989**, the Central Government hereby appoints the first day of October, 1989 as the date on which the provision of sub-rule (2) of Rule 115 of the said Rules shall come into force.

Published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated July 27, 1989.

MINISTRY OF ENVIRONMENT & FORESTS

G.S.R 717(E).—(*dated the July 27, 1989.*)—In exercise of the powers conferred by Section 63 of the **Water (Prevention and Control of Pollution) Act, 1974**, (6 of 1974), the Central Government after consultation with the the Central Pollution Control Board, hereby makes the following rules further to amend the **Water (Prevention and Control of Pollution) Rules, 1975**, namely :—

1 (1) These rules may be called the **Water (Prevention and Control of Pollution) Amendment Rules, 1989.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the **Water (Prevention and Control of Pollution) Rules, 1975** ; (hereinafter referred to as the principal rules), in Rule 24, the words “and shall be submitted to the Central Government by the 15th of May each year” shall be omitted.

3. In the principal rules, for Rule 32, the following rule shall be substituted, namely :—

“32. **Application for consent.**—An application for obtaining the consent of the Central Board for establishing or taking any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade

effluent into a stream or well or sewer or on land (such discharge being hereinafter in this rule referred to as discharge of sewage); or for bringing into use any new or altered outlet for the discharge of sewage or beginning to make any new discharge of sewage under Section 25 or for continuing an existing discharge of sewage under Section 26 shall be made to the Central Board in Form XIII."

4. In the principal rules, after Rule 33, the following rules shall be inserted, namely :—

"34. Directions —(1) Any direction issued under Section 33-A shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

(3) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(4) Where the proposed direction is for the stoppage or regulation of electricity or water or any other services affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3) and (5) of this rule :

Provided that no opportunity of being heard shall be given to the occupier, if he had already been heard earlier and the proposed direction referred to in sub-rule (3) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Board after such earlier hearing.

(5) The Central Board shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify, or decide not to issue the proposed direction.

(6) In a case where the Central Board is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed directions without providing such an opportunity.

(7) Every notice or direction required to be issued under this rule shall be deemed to be duly served :—

(a) Where the person to be served is a company, if the document is addressed in the name of the company at its registered office or at its principal office or place of business and is either—

(i) sent by registered post ; or

(ii) delivered at its registered office or at the principal office or place of business ;

(b) Where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to his Head of the Department and also to the Secretary to the Government as the case may be, incharge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is either :—

- (i) sent by registered post, or
- (ii) is given or tendered to him ;
- (c) In any other case, if the document is addressed to the person to be served and—

- (i) is given or tendered to him, or
- (ii) If such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
- (ii) is sent by registered post to that person.

Explanation.—For the purposes of this sub-rule :—

(a) 'company' means any body corporate and includes a firm or other association of individuals ;

(b) 'a servant' is not a member of the family.

35. **Manner of giving notice.**—The manner of giving notice under clause (b) of sub section (1) of Section 49 shall be as follows, namely :—

- (1) The notice shall be in writing in Form XV ;
- (2) If the alleged offence has taken place in a Union Territory, the person giving notice may send notice to :—

- (i) the Central Board, and
- (ii) the Ministry of Environment and Forests (represented by the Secretary to the Government of India) ; and
- (iii) the Administrator of the Union Territory (represented by the Secretary/Head incharge of Environment).

(3) The notice shall be sent by registered post acknowledgement due ; and

(4) The period of sixty days mentioned in clause (b) of sub-section (1) of Section 49 of the Act, shall be reckoned from that date it is first received by one of the authorities mentioned in sub-rule (2)".

5 In Schedule I of the principal rules,—

(a) for Form XIII, the following shall be substituted, namely :—

"FORM XIII

Application for consent for establishing or taking any steps for establishment of industry/operation/process/or any treatment/disposal system for discharge, continuation of discharge under Section 25 or Section 26 of the Water (Prevention and Control of Pollution)

Act, 1974

(See Rule 32)

From

Date.....

.....
.....
.....

To

**The Member Secretary,
Central Pollution Control Board.**

Sir,

I/We hereby apply for Consent/Renewal of Consent under Section 25 or section 26 of the Water (Prevention and Control of Pollution Act, 1974 (6 of 1974) for establishing or taking any steps for establishment of Industry/operation/process/or any treatment/disposal system to bring into use any new/ altered outlet for discharge of "sewage/trade effluent"/to continue to discharge* sewage/trade effluent* from land/premises owned by

The other relevant details are as below :—

1. Full name of the applicant.....
2. Nationality of the applicant
3. Status of the applicant :
 - (a) Individual
 - (b) Proprietary concern
 - (c) Partnership firm
(whether registered or unregistered)
 - (d) Joint family concern
 - (e) Private Limited Company
 - (f) Public Limited Company
 - (g) Government company
 - (1) State Government
 - (2) Central Government
 - (3) Union Territory
 - (h) Foreign Company
(if a foreign company/ the details of registration, incorporation, etc.).
 - (i) Any other Association or Body :
4. Name, Address and Telephone Nos. of the Applicant.
(the full list of individuals, partners, persons, Chairman (full time or part-time), Managing Directors, Managing Partners, (Directors (full time or part-time), other kinds of office-bearers are to be furnished with their period of tenure in the respective office with telephone Nos. and address).
5. Address of the Industry
(Survey No., Khasra No. location as per the revenue records, Village Firka, Tehsil, District, Police Station or SHO, jurisdiction of the First Class Magistrate).
6. Details of commissioning, etc. :—
 - (a) Appropriate date of the proposed commissioning of work.
 - (b) Expected date of production :
7. Total number of employees expected to be employed.
8. Details of licence, if any obtained under the provisions of Industrial Development (Regulations) Act, 1951.—
9. Name of the person authorised to sign this form (the original authorisation except in the case of individual/proprietary concern is to be enclosed).
10. (a) attach the list of all raw materials and chemicals used per month.
(b) Licensed Annual Capacity of the Factory/Industry.
11. State daily quantity of water in kilolitres utilised and its source (domestic/Industrial/process/bodies/boiler/cooling/others).
12. (a) State the daily maximum quantity of effluents and mode of disposal (sewer or drains or river).

Also attach analysis report of the effluents. Type of effluent quantity in kilolitres, mode of disposal.

- (i) Domestic.
- (ii) Industrial.
- (b) Quality of effluent currently being discharged or expected to be discharged

(c) What monitoring arrangement is currently there or proposed.

13. State whether you have any treatment plant for industrial, domestic or combined effluents.

Yes/No

If yes, attach a description of the process of treatment in brief. Attach information on the quality of treated effluent vis-a-vis the standards.

14. State details of solid wastes generated in the process or during waste treatment.

Description	Quantity	Method of collection	Method of disposal
-------------	----------	----------------------	--------------------

15. I/We further declare that the information furnished above is correct to the best of my/our knowledge.

16. I/We hereby submit that in case of change either of the point of discharge or the quantity of discharge or its quality, a fresh application for consent shall be made and until such consent is granted no change shall be made.

17. I/We hereby agree to submit to the Central Board an application for renewal of consent one month to advance of the date of expiry of the consented period for outlet/discharge if to be continued thereafter.

18. I/We undertake to furnish any other information within one month of its being called by the Central Board.

19. I/We enclose herewith cash receipt no./bank draft no..... dated for Rs..... (Rupees.....)

..... in favour of the Central Pollution Control Board, New Delhi, as fees payable under Section 25 of the Act.

Yours faithfully,
Signature of the applicant.

Note : "Strike out which is not relevant."

(b) after Form XIV, the following new Form shall be inserted, namely :—

"FORM XV
(See Rule 35)

Form of Notice

By registered post acknowledgement due

(1)
From

.....
.....
.....
.....

To

.....
.....
.....

Notice under Section 49 of the Water (Prevention and Control of Pollution) Act, 1974.

Whereas an offence under the Water (Prevention and Control of Pollution) Act, 1974, has been committed/is being committed by.....

(2) I/We hereby give notice of 60 days under Section 49 of the Water (Prevention and Control of Pollution) Act, 1974 of my/our intention to file a complaint in the court against.....

(2) for violation of section of the Water (Prevention and Control of Pollution) Act, 1974.

In support of my/our notice, I am/we are enclosing the following documents (3) as evidence of proof of violation of the Water (Prevention and Control of Pollution) Act, 1974.

Signature(s)

Place.....

Date.....

Explanation.—(1) In case the notice is given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed to this notice. Company for this purpose means a company defined in Explanation to Section 47 of the Act.

(2) Here give the name and address of the alleged offender. In case of a manufacturing/processing operating unit, indicate the name/location/nature of activity, etc.

(3) Documentary evidence shall include photographs/technical reports/health reports of the area etc. for enabling enquiry into the alleged violation/offence."

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i) dated July 22, 1989.

MINISTRY OF LABOUR

G.S.R. 514 (dated June 20, 1989).—In exercise of the powers conferred by Section 35 of the said Act, the Central Government hereby makes the following amendments in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980, namely :—

1. (1) These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central (Amendment) Rules, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980:—

(i) for Rule 12, the following rule shall be substituted, namely :—

"12 (1) Fees.—The fees to be paid for the grant of certificate of registration of an establishment under Section 7, shall be as specified below :—

If the number of migrant workmen proposed to be employed in the establishment on any day.

(a) is 5 and not exceeding 20	Rs. 60.
(b) exceeding 20 and upto 50	Rs. 150.
(c) exceeding 50 and upto 100	Rs. 300.
(d) exceeding 100 and upto 200	Rs. 600.

- | | |
|--------------------------------|-----------|
| (e) exceeding 200 and upto 400 | Rs. 1200. |
| (f) exceeding 400 | Rs. 1500. |

(2) The fees to be paid for grant of licence under Section 7 shall be as specified below :—

If the number of workmen employed by the contractor on any day—

- | | |
|--------------------------------|-----------|
| (a) is 5 and not exceeding 20 | Rs. 15. |
| (b) exceeding 20 and upto 50 | Rs. 40. |
| (c) exceeding 50 and upto 100 | Rs. 80. |
| (d) exceeding 100 and upto 200 | Rs. 150. |
| (e) exceeding 200 and upto 400 | Rs. 300. |
| (f) exceeding 400 | Rs. 400." |

3. In Rule 16 for the word and figures "Rs. 10.00" the word and figures "Rs. 20.00" shall be substituted.

4. In Rule 19 for the word and figures "Rs. 2.00" the word and figures "Rs. 5.00" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), dated July 11, 1989.

MINISTRY OF INDUSTRY

G. S. R. 523—(dated July 29, 1989).—In exercise of the powers conferred by sub-sections (1), (2), (3), (5) and (8) of Section 25 and sub-section (2) of Section 609 of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following regulations further to amend the Companies Regulations, 1956, namely :—

1. (1). These regulations may be called the Companies (Amendment) Regulations, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies Regulations, 1956, in sub-regulation (ii) of Regulation 4, for the words "a Chartered Accountant practising in India", the words, "a Secretary, or a Chartered Accountant, in whole-time practice in India" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i) dated June 9, 1989.

MINISTRY OF FINANCE

G.S.R. 607E.—(dated June 9, 1989).—In exercise of the powers conferred by sub-clause (i) of clause (15) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the securities, bonds, annuity certificates, savings certificates, other certificates issued by the Central Government and deposits mentioned in column (2) of the Table below and the maximum limit of the amount of the interest, premium on redemption and other payment mentioned in the corresponding entry in column (3) of the said Table for the purposes of the aforesaid provisions of the Income-tax Act, 1961 for the assessment year 1989-90 and subsequent assessment years.

TABLE

Sl. No.	Name of securities, bonds, annuity certificates, etc.	Maximum Amount
1	2	3
1.	12 years National Savings Annuity Certificates.	Whole of the amount.
2.	National Defence Gold Bonds, 1980	Whole of the amount.
3.	Special Bearer Bonds, 1991.	Whole of the amount.
4.	Treasury Savings Deposit Certificates (10 years)	Whole of the amount.
5.	Post Office Cash Certificates (5 years)	Whole of the amount.
6.	National Plan Certificates (10 years)	Whole of the amount.
7.	National Plan Savings Certificates (12 years)	Whole of the amount.
8.	Post Office National Savings Certificates (12 years/7 years)	Whole of the amount.
9.	Post Office Savings Bank Accounts.	Whole of the amount.
10.	Public Account of the nature referred to in item (6) in the Table below Rule 4 of the Post Office Savings Account Rules, 1981.	Rs. 5,000/-
11.	Post Office Cumulative Time Deposit Rules, 1981	Whole of the amount.
12.	Scheme of Fixed Deposits governed by the Government Savings Certificates (Fixed Deposits) Rules, 1968	Whole of the amount.
13.	Scheme of Fixed Deposits governed by the Post Office (Fixed Deposits) Rules, 1968	Whole of the amount.
14.	Special Deposit Scheme, 1981.	Whole of the amount.

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii). No. 281, dated May 17, 1989.

MINISTRY OF LABOUR

S. O. 360(E).—(New Delhi, the 17th May, 1989).—In exercise of the powers conferred by the first proviso to section 6 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby specifies, with effect from the 1st day of June, 1989, every establishment in the industries specified in the Schedule annexed hereto and the classes of establishments specified in the said Schedule, as the establishments and classes of establishments to which the said proviso shall apply :

Provided that nothing contained in this notification shall apply to :—

(i) any establishment in which less than 50 persons are employed ;
 (ii) any sick industrial company as defined in clause (o) of section 3 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), which has made a reference under section 15 of the said Act to the Board for Industrial and Financial Reconstruction established under section 4 of that Act ; and

(iii) any other establishment which has at the end of any financial year accumulated losses equal to or exceeding its entire assets and has also suffered cash losses in such financial year and the financial year immediately proceed-

ing, such financial year.

Explanation.—For the purpose of clause (iii), “Cash loss” means loss as computed without providing for depreciation.

SCHEDULE

- | Sl. No. | Name of industry engaged in the manufacture of the following products or class of establishments :— |
|---------|--|
| 1. | Cement. |
| 2. | Cigarettes. |
| 3. | Electrical, mechanical or general engineering products. |
| 4. | Iron and Steel. |
| 5. | Matchea. |
| 6. | Edible oils and fats, including vanaspathi. |
| 7. | Sugar. |
| 8. | Rubber and rubber products. |
| 9. | Electricity including the generation, transmission and distribution thereof. |
| 10. | Tea. |
| 11. | Printing including the process of composing types for printing, printing by letter press, Lithography photogravure or other similar process or book-binding. |
| 12. | Glass. |
| 13. | Stone-ware pipes. |
| 14. | Sanitary wares. |
| 15. | Electrical porcelain insulators of high and low tension. |
| 16. | Refractorica. |
| 17. | Tiles. |
| 18. | Heavy and fine chemicals including the following :— |
| | (a) Fertilizers ; |
| | (b) Turpentine ; |
| | (c) Resin ; |
| | (d) Medical and pharmaceutical preparations ; |
| | (e) Toilet preparation ; |
| | (f) Soaps ; |
| | (g) Inks ; |
| | (h) Intermediates, dyes, colour, lacs and toners ; |
| | (i) Fatty, acids ; and |
| | (f) Oxygen, Acetylene and carbon-di-oxide gases. |
| 19. | Indigo. |
| 20. | Lac including shellac. |
| 21. | Non-edible vegetable and animal oils and fats. |
| 22. | Mineral oil refining. |
| 23. | Industrial and power alcohol. |
| 24. | Asbestos cotton sheets. |
| 25. | Biscuit making industry, including composite units making biscuits and products, such as bread, confectionary and milk powder. |
| 26. | Mica. |
| 27. | Plywood. |
| 28. | Automobile repairing and servicing. |
| 29. | Rice milling. |

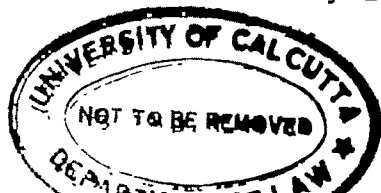
30. Flour milling
31. Dal milling.
32. Starch.
33. Petroleum or natural gas exploration, prospecting, drilling, production or refining.
34. Leather and leather products.
35. Stoneware Jara.
36. Crockery.

37. Fruit and Vegetable preservation industry, that is to say, any industry which is engaged in the preparation or production of any of the following articles, namely :—

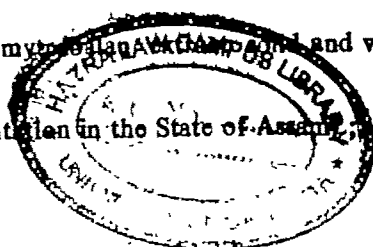
- (i) Canned and bottled vegetables.
- (ii) Canned and bottled fruits and pulps ;
- (iii) frozen fruits and vegetables ;
- (iv) jams, jellies and marmalades ;
- (v) tomato products, ketchups and sauces ;
- (vi) squashes, crushes, cordials and ready-to-serve beverages or any other beverages containing fruit juice or fruit pulp ;
- (vii) preserved, candied and crystallised fruits and peals ;
- (viii) chutneys ;

(ix) any other unspecified item relating to the preservation or canning of fruits and vegetables.

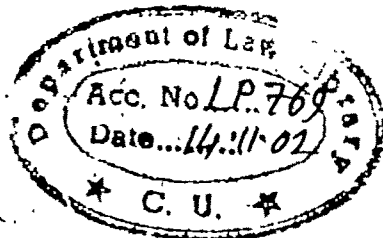
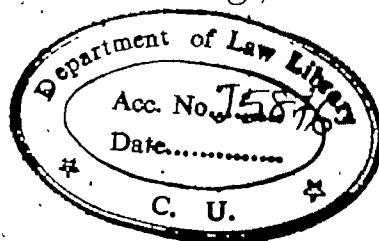
38. Confectionery.
39. Buttons.
40. Brushes.
41. Plastic and plastic products.
42. Stationary products.
43. Aerated water, soft drinks or carbonated water.
44. Distilling and rectifying of spirits (not falling under industrial and power alcohol and blending of spirits.
45. Paint and varnish.
46. Bone crushing.
47. Pickers.
48. Milk and milk products.
49. Non-ferrous metals and alloy in the form of ingots.
50. Stemming, redrying, handling, sorting, grading or packing of tobacco leaf
51. Agarbattee (including dhoop and dhoop battee).
52. Tobacco Industry that is and industry engaged in the manufacturing of cigars, zarda, sunif, quivam and guraku from tobacco.
53. Paper including hand made paper and other paper products.
54. Licensed salt.
55. Linoleum and Indoleum.
56. Explosives.
57. Fire works and percussion cap works.
58. Tent making.
59. Ferro manganese.
60. Ice and ice cream.
61. Winding of thread and yarn reeling.



62. Beer manufacturing.
63. Ferro Chrome.
64. Diamond cutting.
65. Myrobalan extract powder, myrobalan extract and vegetable tennin blended extract,
66. Plantations.
- Tea (other than tea plantation in the State of Assam);
 - Coffee ;
 - Cardamom ;
 - Pepper ; and
 - Rubber.
67. Mines.
- Bauxite ;
 - China Clay ;
 - Chromite ;
 - Diamond ;
 - Dolomite ;
 - Graphite ;
 - Iron Ore ;
 - Lignite ;
 - Lime stone ;
 - Magnesite ;
 - Manganese ; and
 - Mica.
68. Coffee curing establishments.
69. Newspaper establishments, as defined in the Working Journalists (Conditions of Service and Miscellaneous Provisions) Act, 1955.
70. Road motor transport establishments.
71. Cane farms owned by the owner or occupier of a sugar factory or cultivated by such owner or occupier or any person on his behalf.
72. Hotels
73. Restaurants.
74. Establishments engaged in the storage or transport or distribution of petroleum or natural gas or products of either petroleum or natural gas.
75. Cinemas including preview theatres, film studios, film production concerns, distribution concerns dealing with exposed films and film processing laboratories.
76. Trading and Commercial establishments engaged in the purchase, sale or storage of any goods, including establishments of exporters, importers, advertisers commission agents and brokers and commodity and stock exchanges, but not including banks or warehouses established under any Central or State Act.
77. Establishments engaged in the processing or treatment of wood including manufacture of hardboard or chipboard jute or textile wooden accessories, cork products, wooden furniture, wooden sports goods, cane or bamboo products, wooden battery separators.
78. Saw Mills, wood seasoning kilns, wood preservation plants and wood workshops.
79. Laundry and laundry services.



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80. Theatres where dramatic performances, or other forms of entertainments are held and where payment is required to be made for admission as audience or spectators.

81. Societies, club or associations which provide board or lodging or both or facility for amusement or any other service to any of their members or to any of their guests on payment.

82. Companies, Societies, Associations, Clubs or Troupes which give any exhibition of acrobatic or other performances or both, in any arena circular or otherwise or perform or permit any other form of entertainment in any place, other than a theatre, and required payment for admission into such exhibition or entertainment as spectators or audience.

83. Cantens.

84. Attorneys, as defined in the Advocates Act, 1961 (25 of 1961).

85. Chartered or registered accountants, as defined in Chartered Accountants Act, 1949 (38 of 1949);

86. Cost and Work Accountants within the meaning of the cost and Works Accountants Act, 1959 (23 of 1959).

87. Engineer and engineering contractors, not being exclusively engaged in building and construction industry.

88. Architects.

89. Medical practitioners and medical specialists.

90. Travel agencies engaged in (i) booking of international air and sea passages and other travel arrangement, (ii) booking of internal air and mail passages and other travel arrangements, and (iii) forwarding and clearing of cargo from and to overseas and within India.

91. Forwarding agencies engaged in the collection, packing, forwarding or delivery of any goods including carloading, break-bulk service and foreign freight service.

92. Stone quarries producing roof and floor slabs, dimension stones, monumental stones and mosaic chips.

93. Banks doing business in one state or Union Territory and having no branches or departments outside the State or Union territory.

94. Establishments engaged in sorting, clearing and testing of cotton waste industry.

95. Garments making factories.

96. Establishments which are factories engaged in the manufacture of glue and gelatine.

97. Establishments engaged in fish processing and non-vegetable food preservation industry including bacon factories and pork processing plants.

98. Financial establishments (other than banks, doing business in more than one State or Union Territory, Unit Trust of India, Agricultural Refinance Corporation, Industrial Development Bank of India, Industrial Finance Corporation of India and State Finance Corporation) engaged in the activities of borrowing, lending, advancing of money and dealing with other monetary transactions with a view to earn interest.

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated July 28, 1989.

MINISTRY OF ENVIRONMENT & FORESTS

S.O. 594 (E).—(Dated July 28, 1989) In exercise of the powers conferred by Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29

of 1986), the Central Government hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Hazardous Wastes (Management and Handling) Rules, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Application.**—These rules shall apply to hazardous wastes as specified in Schedule and shall not apply to—

(a) waste water and exhaust gases as covered under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and rules made thereunder ;

(b) wastes arising out of the operation from ships beyond five kilometres as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder ;

(c) radip-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made thereunder ;

3. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986) ;

(b) “applicant” means a person or an organisation that applies, in Form I, for granting of authorisation to perform specific activities connected with handling of hazardous wastes ;

(c) “authorisation” means permission for collection, reception, treatment, transport, storage and disposal of hazardous wastes, granted by the competent authority in Form 2 ;

(d) “authorised person” means a person or an organisation authorised by the competent authority to collect, treat, transport, store or dispose of hazardous wastes in accordance with the guidelines to be issued by the competent authority from time to time ;

(e) “export” with its grammatical variations and cognate expression, means taking out of India to a place outside India ;

(f) “exporter” means any person under the jurisdiction of the exporting country who exports hazardous wastes and the exporting country itself, who exports hazardous wastes ;

(g) “facility” means any location wherein the processes incidental to the waste generation, collection, reception, treatment, storage and disposal are carried out ;

(h) “Form” means Form appended to these rules ;

(i) “hazardous wastes” means categories of wastes specified in the Schedule ;

(j) “hazardous wastes site” means a place for collection, reception, treatment, storage and disposal of hazardous wastes which has been duly approved by the competent authority ;

(k) “import”, with its grammatical variations and cognate expression, means bringing into India from a place outside India ;

(l) “importer” means an occupier or any person who imports hazardous wastes ;

(m) “operator of a facility” means a person who owns or operates a

facility for collection, reception, treatment, storage and disposal of hazardous wastes ;

(n) "Schedule" means Schedule appended to these rules ;

(o) "State Pollution Control Board" means the Board appointed under sub-section (1) of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) ; and under Section 4 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) ;

(p) "transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one country to or through an area under the national jurisdiction of another country or to or through an area not under the national jurisdiction of any country, provided at least two countries are involved in the movement ;

(q) the words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

4. Responsibility of the occupier for handling of wastes.—(1) The occupier generating hazardous wastes listed in column (2) of the Schedule in quantities equal to or exceeding the limits given in column (3) of the said Schedule, shall take all practical steps to ensure that such wastes are properly handled and disposed of without any adverse effects which may result from such wastes and the occupier shall also be responsible for proper collection, reception treatment, storage and disposal of these wastes either himself or through the operator of a facility.

(2) The occupier or any other person acting on his behalf who intends to get his hazardous waste treated by the operator of a facility under sub-rule (1), shall give, to the operator of a facility, such information as may be specified by the State Pollution Control Board.

5. Grant of authorisation for handling hazardous wastes.—(1) Hazardous wastes shall be collected, treated, stored and disposed of only in such facilities as may be authorised for this purpose.

(2) Every occupier generating hazardous wastes and having a facility for collection, reception, treatment, transport, storage, and disposal of such wastes shall make an application in Form I to the State Pollution Control Board for the grant of authorisation for any of the above activities :

Provided that the occupier not having a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the State Pollution Control Board in Form I for the grant of authorisation within a period of six months from the date of commencement of these rules.

(3) Any person who intends to be an operator of a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes, shall make an application in Form I to the State Pollution Control Board for the grant of authorisation for any of the above activities :

Provided that the operator engaged in the business of the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the State Pollution Control Board in Form I for the grant of authorisation within a period of six months from the date of commencement of these rules.

(4) The State Pollution Control Board shall not issue an authorisation unless it is satisfied that the operator of a facility or an occupier, as the case

may be, possesses appropriate facilities, technical capabilities and equipment to handle hazardous wastes safely.

(5) The authorisation to operate a facility shall be issued in Form 2 and shall be subject to conditions laid down therein.

(6) (i) An authorisation granted under this rule shall unless sooner suspended or cancelled, be in force for a period of two years from the date of issue or from the date of renewal.

(ii) An application for the renewal of an authorisation shall be made in Form 1, before its expiry.

(iii) The authorisation shall continue to be in force until it is renewed or revoked.

(7) The State Pollution Control Board may, after giving reasonable opportunity of being heard to the applicant refuse to grant any authorisation.

6. **Power to suspend or cancel an authorisation.**—(1) The State Pollution Control Board may cancel an authorisation issued under these rules or suspend it for such period as it thinks fit, if in its opinion, the authorised person has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules, after giving the authorised person an opportunity to show cause and after recording reasons therefor.

(2) Upon suspension or cancellation of the authorisation and during the pendency of an appeal under Rule 12, the State Pollution Control Board may give directions to the persons whose authorisation has been suspended or cancelled for the safe storage of the hazardous wastes, and such person shall comply with such directions.

7. **Packaging, labelling and transport of hazardous wastes.**—(1) Before hazardous wastes are delivered at the hazardous waste site, the occupier or operator of a facility shall ensure that the hazardous wastes are packaged in a manner suitable for storage and transport and the labelling and packing shall be easily visible and be able to withstand physical conditions and climatic factors.

(2) Packaging, labelling and transport of hazardous wastes shall be in accordance with the provisions of the rules issued by the Central Government under the Motor Vehicles Act, 1988 and other guidelines issued from time to time.

8. **Inventory of disposal sites.**—(1) The State Government or a person authorised by it shall undertake a continuing programme to identify the sites and compile and publish periodically an inventory of disposal sites within the State for the disposal of hazardous wastes.

(2) The State Government or a person authorised by it shall undertake an environmental impact study before identifying a site as waste disposal site in the State.

(3) The State Government or a person authorised by it shall undertake a continuing programme to compile and publish an inventory of sites within the State at which hazardous wastes have at any time been stored or disposed of and such inventory shall contain, besides the location and description, information relating to the amount, nature and toxicity of hazardous wastes at each such site as may be associated with such site.

9. **Records and returns.**—(1) The occupier generating hazardous waste and operator of a facility for collection, reception, treatment, transport,

storage and disposal of hazardous waste shall maintain records of such operations in Form 3.

(2) The occupier and operator of a facility shall send annual returns to the State Pollution Control Board in Form 4.

10. **Accident reporting and follow-up.**—Where an accident occurs at the facility or on a hazardous waste site or during transportation of hazardous wastes, the occupier or operator of a facility shall report immediately to the State Pollution Control Board about the accident in Form 5.

11. **Import of hazardous wastes.**—(1) Import of hazardous wastes from any country to India shall not be permitted for dumping and disposal of such wastes. However, import of such wastes may be allowed for processing or reuse as raw material, after examining each case on merit by the State Pollution Control Board or by an officer authorised in this behalf.

(2) The exporting country or the exporter as the case may be, of hazardous waste shall communicate in Form 6 to the Central Government (the Ministry of Environment and Forests) of the proposed transboundary movement of hazardous wastes.

(3) The Central Government shall, after examining the communication received under sub-rule (2) and on being satisfied that the import of such hazardous wastes is to be used for processing or reuse as raw material, grant permission for the import of such wastes subject to such conditions as the Central Government may specify in this behalf and if, however, the Central Government is not satisfied with the communication received under sub-rule (2), may refuse permission to import such hazardous wastes.

(4) Any importer importing hazardous wastes shall provide necessary information as to the type of hazardous wastes he is to import, in Form 6, to the concerned State Pollution Control Board/the Central Pollution Control Board in the case of Union Territories.

(5) The State Pollution Control Board shall examine the information received under sub-rule (4) and issue such instructions to the importer as it considers necessary.

(6) The Central Government or the State Pollution Control Board, as the case may be, shall inform the concerned Port Authority to take appropriate steps regarding the safe handling of the hazardous wastes at the time of off-loading the same.

(7) Any person importing hazardous wastes shall maintain the records of the hazardous wastes imported as specified in Form 7 and the records so maintained shall be open for inspection by the State Pollution Control Board/the Ministry of Environment and Forests/the Central Pollution Control Board in the case of Union Territories or an officer appointed by them in this behalf.

12. **Appeal.**—(1) An appeal shall lie, against any order of suspension or cancellation or refusal of an authorisation by the State Pollution Control Board to the State Government and to the Ministry of Environment and Forests in the case of the Central Pollution Control Board.

(2) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within thirty days of the order passed.

SCHEDULE

[See Rules 3(i), 3(n) and 4]
Categories of Hazardous Wastes

Waste Categories	Types of wastes	Regulatory Quantities
1	2	3
Waste Category No. 1	Cyanide Wastes	1 kilogramme per year calculated as cyanide.
Waste Category No. 2	Metal Finishing Wastes	10 kilogrammes per year the sum of specified substance calculated as pure metal.
Waste Category No. 3	Waste containing water soluble chemical compounds of lead, copper, zinc, chromium, nickel, selenium, barium and antimony.	10 kilogrammes per year the sum of the specified substance calculated as pure metal.
Waste Category No. 4	Mercury, Arsenic, Thallium and Cadmium bearing wastes.	5 kilogrammes per year the sum of the specified substance calculated as pure metal.
Waste Category No. 5	Non-halogenated hydrocarbons including solvents.	200 kilogrammes per year calculated as non-halogenated hydrocarbons.
Waste Category No. 6	Halogenated hydrocarbons including solvents.	50 kilogrammes per year calculated as halogenated hydrocarbons.
Waste Category No. 7	Wastes from paints, pigments, glue, varnish and printing ink.	250 kilogrammes per year calculated as oil or oil emulsions.
Waste Category No. 8	Wastes from Dyes and Dye intermediate containing inorganic chemical compounds.	200 kilogrammes per year calculated as inorganic chemicals.
Waste Category No. 9	Waste from Dyes and Dye intermediate containing organic chemical compounds.	50 kilogramme per year calculated as organic chemicals.
Waste Category No. 10	Waste oil and oil emulsions.	1000 kilogrammes per year calculated as oil and oil emulsions.
Waste Category No. 11	Tarry wastes from refining and tar residues from distillation or polytic treatment.	200 kilogrammes per year calculated as tar.

1	2	3
Waste Category No. 12	Sludges arising from treatment of waste waters, containing heavy metals, toxic organics, oils, emulsions and spent chemicals and incineration ash.	irrespective of any quantity
Waste Category No. 13	Phenols	5 kilogrammes per year calculated as phenols.
Waste Category No. 14	Asbestos	200 kilogrammes per year calculated as Asbestos.
Waste Category No. 15	Wastes from manufacturing of pesticides and herbicides and residues from pesticides and herbicides formulation units.	5 kilogrammes per year calculated as pesticides and their intermediate products.
Waste Category No. 16	Acid/Alkaline/Slurry Wastes	200 kilogrammes per year calculated as Acids/Alkalies.
Waste Category No. 17	Off-specification and discarded products.	Irrespective of any quantity.
Waste Category No. 18	Discarded containers and containers liners of hazardous and toxic wastes.	Irrespective of any quantity.

FORM 1

[See Rules 3(b), 5(2)(3) and (6)(ii)]

(Application for obtaining authorisation or for its renewal for collection/reception/treatment/transport/storage/disposal of hazardous waste)

1. Name and address of the person applying for authorisation/renewal.

2. Authorisation required for (Please tick appropriate activity/activities).

- (i) collection
- (ii) reception
- (iii) treatment
- (iv) transport
- (v) storage
- (vi) disposal.

3. In case of renewal of authorisation previous authorisation number and date.

4. Location: address of the site where the proposed activity/activities is/are carried out.

5. Important Environmental features of the surrounding areas of the site (Please

attach a map of the area. 2.5 kms. radius with the site at the Centre indicating therein water bodies and Important human activities, sensitive features).

6. Chemical identity of hazardous waste as per the Schedule

7. Quantity of hazardous waste handled.

8. Details of the operation system for carrying out the activity/activities.

FORM 2

[See Rules 3(c) and 5 (5)]

(Authorisation for operating a facility for collection, reception, treatment, storage, transport and disposal of hazardous wastes)

1. Number of authorisation and date of issue.....

2. of..... is

hereby granted an authorisation to operate a facility for collection, reception, treatment, storage, transport and disposal of hazardous waste on the premises situated at

3. The authorisation granted to operate a facility for collection, reception, treatment, storage, transport and disposal of hazardous waste.

4. The authorisation shall be in force for a period of years from the date of issue.

5. The authorisation is subject to the conditions stated below and to such conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Date

Signature.....

Designation

Terms and conditions of authorisation

1. The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.

2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.

3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the State Pollution Control Board.

4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.

5. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.

6. An application for the renewal of an authorisation shall be made as laid down in Rule 5 (6) (ii).

FORM 3

[See Rule 9(1)]

Format for maintaining records of hazardous wastes at the facility

1. Name and address of the occupier or operator of a facility :

2. Date of issuance of authorisation and its reference number :

3. Description of hazardous waste :

Physical form with description	Chemical form	Total volume and weight (In kg.)
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4. Description of storage and treatment of hazardous waste :

Date	Method of storage of hazardous wastes	Date	Method of treatment of hazardous wastes
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5. Details of transportation of hazardous waste :

Name and address of the consignee of the package	Mode of packing of the waste for transportation	Mode of transportation to site of disposal	Date of transportation
--	---	---	---------------------------

6. Details of disposal of hazardous waste :

Date of disposal	Concentration of hazardous material in the final waste form	Site of disposal (Identify the lo- cation on the relevant layout drawing for reference)	Method of disposal	Persons in- volved in disposal
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7. Data on environment surveillance :

Date of measure- ment	Analysis of ground water			Analysis of soil samples			Analysis of air sampli- ing			Analysis of any other samples (give details)
	Location of sampling	Depth of sampling	Data	Location of sampling	Depth of sampling	Data	Location of sampling	Data		

Name and signature of the Head of Facility

FORM 4
[See Rule 9(2)]

Format for the submission of returns regarding disposal of hazardous waste
(To be submitted to the State Pollution Control Board)

1. Name and address of the Institution :
2. Details of waste disposal operations :

Sl. No.	Date of issuance of authorisation for the disposal of hazardous waste and its reference number	Description of Hazardous Waste			Mode of transport on to the site of disposal	Site of disposal (attach a sketch showing the location(s) of disposal)	Brief description of the method of disposal	Date of disposal	Remarks (if any)
		Physical form and contents	Chemical form	Total volume of the hazardous waste disposed with No. of packages					

3 Details of environment surveillance :

Date of measurement	Analysis of ground water samples			Analysis of soil samples			Analysis of air sampling		Analysis of any other samples (give details)
	Location of sampling	Depth of sampling	Data	Location of sampling	Depth of sampling	Data	Location of sampling	Data	

Name and signature of the Head of the Facility

FORM 5
(See Rule 10)

1. The date and time of the accident :
2. Sequence of events leading to accident :
3. The hazardous waste involved in accident :
4. The data for assessing the effects of the accident on health or the environment.
5. The emergency measures taken.
6. The step taken to alleviate the effects of accidents.
7. The steps taken to prevent the recurrence of such an accident.

FORM 6

[See Rule 11 (2) and (4)]

(Format for notification and movement document)

- A. Information to be provided on notification**
1. Reason for waste export.
 2. Exporter of the waste¹.
 3. Generator(s) of the waste and site of generation¹
 4. Importer of wastes¹
 5. Intended carrier(s) of the waste or their agents, if known¹
 6. Exporting country's Competent Authority²
 7. Expected countries of transit Competent Authority²
 8. Importing country's Competent Authority²
 9. General or single notification.
 10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit)³.
 11. Means of transport envisaged (road, rail, sea, air, inland waters).
 12. Information relating to insurance⁴.
 13. Designation and physical description of the waste and its composition⁵ and information on any special handling requirements including emergency provisions in case of accidents.
 14. Type of packaging envisaged (e.g. bulk, drummed, tanker).
 15. Estimated quantity in weight/volume⁶.
 16. Process by which is generated⁷.
 17. Method of disposal.
 18. Declaration by the generator and exporter that the information is correct.
 19. Information transmitted (including technical description of the plant) to the exporter or generator from the importer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the importing country.
- B. Information to be provided on the movement document.**
1. Exporter of the waste⁸.
 2. Generator(s) of the waste and site of generation⁸
 3. Importer of the waste and actual site of disposal⁸.
 4. Carrier(s) of the waste or his agent(s).
 5. Subject of general or single notification.
 6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste.
 7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit, also point of entry and exit where these have designated.
 8. General description of the waste.
 9. Information on special handling requirements including emergency provision in case of accidents.
 10. Type and number of packages.
 11. Quantity in weight/volume.
 12. Declaration by the exporter that the information is correct.

13. Declaration by the exporter indicating no objection from the component authorities of all States concerned which are Parties.

14. Certificate by importer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes :

1. Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.

2. Full name and address, telephone, telex and telefax number.

3. In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known the expected frequency of the shipments will be required.

4. Information to be provided on relevant insurance equipments and how they are meant by exporter, carrier and importer.

5. The nature and the concentration of the most hazardous components, in terms of toxicity and the dangers presented by the waste both in handling and in relation to the proposed disposal method.

6. In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

7. In so far as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

8. Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency

FORM 7

[See Rule 11 (7)]

(Format for maintaining records of hazardous wastes imported)

1. Name and address of the importer :
2. Date and reference number of issuance of permission to import hazardous wastes :
3. Description of hazardous waste :
 - a) Physical form :
 - b) Chemical form :
 - c) Total volume and weight (in kilogrammes) :
4. Description of storage, treatment and reuse of hazardous waste :
 - a) Date :
 - b) Method of storage :
 - c) Method of treatment and reuse (give details) :

Published in the Gazette of India, Part II, Section 3(i), No. 12, dated March 25, 1989.

SUPREME COURT OF INDIA

G.S.R. 182.—(New Delhi, the 10th March, 1989).—In exercise of the

powers conferred by Article 145 of the Constitution, and all other powers enabling it in this behalf, the Supreme Court hereby makes with the approval of the President, the following rules further to amend the Supreme Court Rules 1966, namely :—

1. (1) These rules may be called the **Supreme Court (First Amendment) Rules, 1989.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Supreme Court Rules, 1966, after rule 5(ii)(b)(1) of Order IV, the following proviso shall be inserted :—

“Provided however that the amendments made in Rule 5(i) and 5(ii)(b)(1) of Order IV, by the Supreme Court (First Amendment) Rules, 1988, shall be applicable to the Advocates who are enrolled with a State Bar Council on or after 30-7-1988 when the aforesaid amendment came into force”.

This proviso shall be inserted at the bottom of Rule 5(ii)(b)(1).

MINISTRY OF LABOUR

(New Delhi, the 2nd March, 1989)

G.S.R. 227.—In exercise of the powers conferred by section 6A read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (9 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Family Pension Scheme, 1971, namely :—

1. (1) This Scheme may be called the **Employees' Family Pension (Amendment) Scheme, 1989.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees' Family Pension Scheme, 1971,—

(1) in paragraph 31A, for the words and figures “and 7-1/2 percent per annum thereafter” the figures and words “7-1/2 percent per annum upto 31st March, 1988 and 8-1/2 percent per annum thereafter” shall be substituted.

(2) in sub-para (2), below Explanation II in paragraph 32, for the figures “7-1/2” the figure “8-1/2” shall be substituted,

(3) in paragraph 35, the words “and the Central Government”, shall be deleted.

(4) in paragraph 36, the words, “and the Central Government” shall be deleted.

G.S.R. 228.—In exercise of the powers conferred by section 6C read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Deposit Linked Insurance Scheme, 1976, namely :—

1. (1) This Scheme may be called the **Employees' Deposit Linked Insurance (Amendment) Scheme, 1989.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Employees' Deposit Linked Insurance Scheme, 1976, in paragraph 28, in sub-paragraph, (a) for the words, “Central Government” the words, “Central Provident Fund Commissioner”. shall be substituted.

PART II

INDIAN PARLIAMENT ACTS, 1989

AND

CONSTITUTIONAL AMENDMENTS

1990

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

The following Act of Parliament received the assent of the President on the 11th September, 1989, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 39, dated September 12, 1989.

INDIAN PARLIAMENT ACT NO. 33 OF 1989

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "atrocities" means an offence punishable under section 3;

(b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;

(d) "Special Court" means a Court of Session specified as a Special Court in section 14;

(e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;

(f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code (45 of 1860) shall have the meanings

assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

Offences of Atrocities

3. **Punishments for offences of atrocities.**—(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) forces a member of a Scheduled Caste or Scheduled Tribe to drink or eat any inedible or obnoxious substance ;

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood ;

(iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity ;

(iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred ;

(v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water ;

(vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government ;

(vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law ;

(viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe ;

(ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe ;

(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view ;

(xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty ;

(xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed ;

(xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled

Tribes so as to render it less fit for the purpose for which it is ordinarily used ;

(xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to ;

(xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine ; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death ;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine ;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine ;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine ;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine ;

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence ;

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

4. **Punishment for neglect of duties.**—Whoever, being a public servant, but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

5. **Enhanced punishment for subsequent conviction**—Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

6. **Application of certain provisions of the Indian Penal Code.**—Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

7. **Forfeiture of property of certain persons.**—(1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

8. **Presumption as to offences.**—In a prosecution for an offence under this Chapter, if it is proved that—

(a) the accused rendered any financial assistance to a person accused of or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence.

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

9. **Conferment of powers.**—(1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do,—

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act, in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police

officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III

Entertainment

10. Removal of person likely to commit offence.—(1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

11. Procedure on failure of person to remove himself from area and enter thereon after removal.—(1) If a person to whom a direction has been issued under section 10 to remove himself from any area—

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed;

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

(5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

12 Taking measurements and photographs etc of persons against whom order under section 10 is made.—(1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure taking thereof.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code (45 of 1860).

(4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

13. Penalty for non-compliance of order under section 10—Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER IV Special Courts

14. Special Court—For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act.

15. Special Public Prosecutor.—For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER V Miscellaneous

16. Power of State Government to impose collective fine.—The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 1955), shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

17. Preventive action to be taken by the law and other machinery—(1) A District Magistrate or a Sub-Divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes and/or the Scheduled Tribes, residing in or frequenting any place within the local limits of the jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary

action for keeping the peace and good behaviour and maintenance of public order and transfer quality and may take preventive action.

(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

18. Section 438 of the Code not to apply to persons committing an offence under the Act.—Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

19. Section 350 of the Code or the Provisions of Offenders Act not to apply to persons guilty of an offence under the Act.—The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

20. Act to override other laws.—Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

21. Duty of Government to ensure effective implementation of the Act.—

(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,—

(i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice ;

(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act ;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities ;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act ;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures ;

(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act ;

(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-

section (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report of the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

22. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.

23. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 1989

The following Act of Parliament received the assent of the President on the 23rd August, 1989, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 34, dated August 28, 1989.

INDIAN PARLIAMENT ACT NO. 29 OF 1989

An Act further to amend the Employees' State Insurance Act, 1948

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the **Employees' State Insurance (Amendment) Act, 1989.**

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States or for different parts thereof and any reference in any such provision to the commencement of this Act shall be construed in relation to any State or part thereof as a reference to the coming into force of that provision in that State or part thereof.

"STATEMENT OF OBJECTS AND REASONS

The Employees' State Insurance Act, 1948 provides for grant of cash benefits to the employees in the recognised contingencies of sickness maternity and employment injury. It also provides for medical benefit, in kind, to the employees and their families. The Act is at present applicable to non-seasonal factories and certain other establishments. The provisions of the Act are being extended, area-wise, in a phased manner. As on 31-12-1988, the Act covered about 61.68 lakhs employees in 580 industrial centres in the

country. The total number of beneficiaries including family members for medical care are about 2.73 crores.

2. The Employees' State Insurance Corporation had set up a Sub-Committee in 1975 to make an indepth study of the various provisions of the Act. This Committee had submitted its report to the Corporation in 1978. Another Committee was set up by the Ministry of Labour in 1981 to review the working of the Employees' State Insurance Scheme. This Committee had submitted its report in 1982. The Corporation had considered the reports of both the Committees and broadly endorsed their recommendations. The two committees together had made a number of recommendations involving amendments of the Act. The Corporation had also, from time to time made certain recommendations for amendments of the Act.

3. Based on the above recommendations, it is proposed to carry out certain amendments in the Act. Some of the more important amendments are—

(i) Under the existing provisions, the Act is in the first instance, applicable to the factories. The Act can be extended to an establishment only after giving six months notice to that effect. This creates difficulties in implementing the act in the areas where there are very few factories. It is, therefore, now proposed to make the Act applicable simultaneously to factories and other establishments, where the Act is applicable in a State to such factories and other establishments in any other parts of the State.

(ii) It is proposed to include children up to the age of 21 years and infirm children without any age restriction in the definition of family so as to make them eligible for medical benefit under the Act.

(iii) The number of representatives of the organisations of employers and employees on the Corporation is being raised from five each to ten each so as to provide greater representation to the employers and the employees on the Corporation.

(iv) At present, the wage ceiling for coverage, rates of contribution, period and conditions of grant of benefits and wage limit for exemption from payment of employees' share of contribution are governed by specific provisions of the Act. Any change in these provisions require amendment of the Act which usually takes time. It is, therefore, proposed to provide for specifying all these matters by the Central Government under the rules.

(v) It is proposed to do away with the institution of principal Officers of the Corporation which are to be appointed by the Central Government and to empower the Corporation to make all appointments except that of the Director General and the Financial Commissioner who will continue to be appointed by the Central Government. This is because the other three erst-while Principal Officers are the career officers from the Corporation itself.

(vi) At present, the Act provides that the Government shall specify the methods of recruitment, salaries and allowances and other conditions of service of officers and the staff of the Corporation. This has resulted in delay in amending the rules even when these conform to changes made in the corresponding rules for the Government servants. It is now proposed to give powers to the Corporation to frame regulations in respect of these matters, subject to the condition that the regulations framed by them would be the same as applicable to the Government servants drawing corresponding scales of pay, and if any deviation is proposed to be made, they would have to seek

the approval of the Central Government.

(vii) A provision is being made for setting up of an independent machinery for recovery of arrears of the Employees' State Insurance contributions, etc., as the process of recovery through State machinery has caused a lot of delay.

(viii) It is proposed to make suitable provisions for continuance of medical benefit to insured persons who have to leave the insurable employment due to employment injury and retired insured persons subject to payment of contribution.

(ix) With a view to curb the misuse of cash benefits, it is proposed to make a suitable provision disentitling the insured person from sickness and disablement benefits for any day for which he receives any wages or for any day on which he remains on strike.

(x) To put a curb on unnecessary litigation by the employers, it is proposed to provide that no application from an employer disputing the claim of the Corporation for payment of contribution or other dues shall be entertained by Employees' Insurance Court unless the employer deposits fifty per cent. of the amount claimed to the Court.

(xi) The existing penal provisions are being made more stringent.

(xii) It is proposed to make a suitable provision for withdrawal of the benefit provisions from any factory or establishment, if it is found that the benefits are being misused."

[Vide Statement of Objects and Reasons, printed in the Gazette of India, Extraordinary, Part II, Section 2, No. 26, dated 24th July, 1988].

2 Amendment of section 1.—In section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) (hereinafter referred to as the principal Act),—

(i) in sub-section (4), the following proviso shall be inserted, namely :—

"Provided that nothing contained in this sub-section shall apply to a factory or establishment belonging to or under the control of the Government whose employees are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act." ;

(ii) in sub-section (5), the following proviso shall be inserted, namely :—

"Provided that where the provisions of this Act have been brought into force in any part of a State, the said provisions shall stand extended to any such establishment or class of establishments within that part if the provisions have already been extended to similar establishment or class of establishments in another part of that State." ;

(iii) after sub-section (5), the following sub-section shall be inserted, namely :—

"(6) A factory or an establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below the limit specified by or under this Act or the manufacturing process therein ceases to be carried on with the aid of power."

3. Amendment of section 2.—In section 2 of the principal Act,—

(i) clause (2) shall be omitted ;

(ii) clause (5) shall be omitted ;

(iii) in clause (6A),—

(a) in sub-clause (i), for the words "daughter or a widowed mother ; and", the word "daughter ;" shall be substituted ;

(b) after sub-clause (i), the following sub-clause shall be inserted, namely :—

“(ia) a widowed mother ;” ;

(iv) in clause (9),—

(a) for the words “ ; but does not include”, the words and figures “or any person engaged under the Apprentices Act, 1961 (52 of 1961), or under the standing orders of the establishment ; but does not include” shall be substituted ;

(b) in sub-clause (b), for the words “one thousand and six hundred rupees a month”, at both the places where they occur, the words “such wages as may be prescribed by the Central Government” shall be substituted ;

(v) for clauses (11) and (12), the following clauses shall be substituted, namely :—

“(11) “family” means all or any of the following relatives of an insured person, namely :—

(i) a spouse ;

(ii) a minor legitimate or adopted child dependent upon the insured ; person ;

(iii) a child who is wholly dependent on the earnings of the insured person and who is—

(a) receiving education, till he or she attains the age of twenty-one years ;

(b) an unmarried daughter ;

(iv) a child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the insured person, so long as the infirmity continues ;

(v) dependent parents ;

(12) “factory” means any premises including the precincts thereof—

(a) whereon ten or more persons are employed or were employed for wages on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(b) whereon twenty or more persons are employed or were employed for wages on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on.
but does not include a mine subject to the operation of the Mines Act, 1952 (35 of 1952) or a railway running shed ;;

(vi) in clause (13), the words “and includes a contractor” shall be inserted at the end ;

(vii) after clause (14A), the following clause shall be inserted, namely :—

(14AA) “manufacturing process” shall have the meaning assigned to it in the Factories Act, 1948 (63 of 1948) ;;

(viii) after clause (15B), the following clause shall be inserted, namely :—

“(15C) “power” shall have the meaning assigned to it in the Factories Act, 1948 (63 of 1948) ;;

(ix) after clause (19), the following clause shall be inserted, namely—

“(19A) “seasonal factory” means a factory which is exclusively engaged in

one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of groundnuts, the manufacture of coffee, indigo, lac, rubber, sugar (including gur) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes and includes a factory which is engaged for a period not exceeding seven months in a year—

(a) in any process of blending, packing or repacking of tea or coffee; or

(b) in such other manufacturing process as the Central Government may, by notification in the Official Gazette, specify;.

4. Substitution of "nominated", etc., by "appointed", etc.—In Chapter II of the principal Act, for the words "nominated", "nomination", "nominating", "renomination" and "nominate", wherever they occur, the words "appointment", "appointing", "reappointment" and "appoint" shall respectively be substituted.

5. Amendment of section 4.—In section 4 of the principal Act, in clauses (f) and (g), for the word "five", the word "ten" shall be substituted.

6. Amendment of section 16.—In section 16 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Central Government may, in consultation with the Corporation, appoint a Director General and a Financial Commissioner;"

(ii) in sub-section (3), for the words "The Principal Officers", the words "The Director General and the Financial Commissioner" shall be substituted;

(iii) in sub-section (4),—

(a) for the words "A Principal Officer" the words "The Director General or the Financial Commissioner" shall be substituted;

(b) for the words "Principal Officer", the words "Director General or Financial Commissioner" shall be substituted;

(iv) in sub-section (5), for the words "A Principal Officer", the words "The Director General or the Financial Commissioner" shall be substituted;

(v) in sub-sections (6) and (7) for the words "a Principal Officer", the words "the Director General or the Financial Commissioner" shall be substituted.

7. Amendment of section 17.—In section 17 of the principal Act,—

(i) in sub-section (1), for the words "exceeds two thousand and two hundred fifty rupees", the words "exceeds such salary as may be prescribed by the Central Government" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay :

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the

matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of the members of the staff under clause (a), the Corporation shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.”;

(iii) in sub-section (3),—

(a) after the words “to posts”, the brackets and words “(other than medical posts)” shall be inserted;

(b) in the proviso, for the words “an aggregate period”, the words “a period” shall be substituted;

(c) after the proviso, the following proviso shall be inserted, namely :—

“Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade.”.

8. **Amendment of section 23.**—In section 23 of the principal Act, for the words “Principal Officers”, the words “Director General and the Financial Commissioner” shall be substituted.

9. **Insertion of new section 28-A.**—After section 28 of the principal Act, the following section shall be inserted, namely :—

“28A. **Administrative expenses**—The types of expenses which may be termed as administrative expenses and the percentage of the income of the Corporation which may be spent for such expenses shall be such as may be prescribed by the Central Government and the Corporation shall keep its administrative expenses within the limit so prescribed by the Central Government.”.

10. **Substitution of new section for section 34.**—For section 34 of the principal Act, the following section shall be substituted, namely :—

“34. **Audit**—(1) The accounts of the Corporation shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Corporation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(3) The accounts of the Corporation as certified by the Comptroller and Auditor-General of India or any other persons appointed by him in this behalf together with the audit report thereon shall be forwarded to the Corporation which shall forward the same to the Central Government along with its comments on the report of the Comptroller and Auditor-General.”.

11. **Amendment of section 36.**—In section 36 of the principal Act,—

(i) for the words “auditor’s report thereon”, the words “the report of

the Comptroller and Auditor-General of India thereon and the comments of the Corporation on such report" shall be substituted ;

(ii) the words "and published in the Official Gazette" shall be omitted.

12. Amendment of section 39.—In section 39 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The contributions shall be paid at such rates as may be prescribed by the Central Government :

Provided that the rates so prescribed shall not be more than the rates which were in force immediately before the commencement of the Employees' State Insurance (Amendment) Act, 1989."

(ii) after sub-section (4), the following sub-section shall be inserted, namely :—

"(5) (a) If any contribution payable under this Act is not paid by the principal employer on the date on which such contribution has become due, he shall be liable to pay simple interest at the rate of twelve per cent per annum or at such higher rate as may be specified in the regulations till the date of its actual payment :

Provided that higher interest specified in the regulations shall not exceed the lending rate of interest charged by any scheduled bank.

(b) Any interest recoverable under clause (a) may be recovered as an arrear of land revenue or under section 45-C to 45-I.

Explanation.—In this sub-section, "scheduled bank" means a bank for time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934)."

13. Amendment of section 41.—In section 41 of the principal Act, the following sub-section shall be inserted, namely :—

"(1A) The immediate employer shall maintain a register of employees employed by or through him as provided in the regulations and submit the same to the principal employer before the settlement of any amount payable under sub-section (1)."

14. Amendment of section 42.—In section 42 of the principal Act, in sub-section (1),—

(i) for the words "six rupees", the words "such wages as may be prescribed by the Central Government" shall be substituted ;

(ii) in the *Explanation*, for the words "in the manner specified in the First Schedule", the words "in such manner as may be prescribed by the Central Government" shall be substituted.

15. Amendment of section 45A.—In section 45A of the principal Act,—

(i) in sub-section (1),—

(a) for the words "obstructed", the words "prevented in any manner" shall be substituted ;

(b) the following proviso shall be added, namely :—

"Provided that no such order shall be passed by the Corporation unless the principal or immediate employer or the person in charge of the factory or establishment has been given a reasonable opportunity of being heard."

(ii) in sub-section (2), the following shall be added at the end, namely :—

"or the recovery under section 45C to section 45I".

16. Insertion of new sections after section 45B,—In Chapter IV of the

principal Act, after section 45B, the following sections shall be inserted namely,—

45C Issue of certificate to the Recovery Officer.—(1) Where any amount is in arrear under this Act, the authorised officer may issue, to the Recovery Officer, a certificate under the signature specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the factory or establishment or, as the case may be, the principal or immediate employer by one or more of the modes mentioned below :—

(a) attachment and sale of the movable or immovable property of the factory or establishment or, as the case may be, the principal or immediate employer ;

(b) arrest of the employer and his detention in prison ;

(c) appointing a receiver for the management of the movable or immovable properties of the factory or establishment or, as the case may be, the employer ;

Provided that the attachment and sale of any property under this section shall first be effected against the properties of the factory or establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears.

(2) The authorised officer may issue a certificate under sub-section (1) notwithstanding that proceedings for recovery of the arrears by any other mode have been taken.

45D. Recovery Officer to whom certificate is to be forwarded.—(1) The authorised officer may forward the certificate referred to in section 45C to the Recovery Officer within whose jurisdiction the employer—

(a) carries on the business or profession or within whose jurisdiction the principal place of his factory or establishment is situate ; or

(b) resides or any movable or immovable property of the factory or establishment or the principal or immediate employer is situate.

(2) Where a factor or an establishment or the principal or immediate employer has property within the jurisdiction of more than one Recovery Officer and the Recovery Officer to whom a certificate is sent by the authorised officer—

(a) is not able to recover the entire amount by the sale of the property movable or immovable within his jurisdiction ; or

(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do, he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the manner prescribed by the Central Government and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the factory or establishment or the principal or immediate employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.

45E. Validity of certificate and amendment thereof.—(1) When the authorised officer issues a certificate to a Recovery Officer under section 45C,

it shall not be open to the factory or establishment or the principal or immediate employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground also be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending an intimation to the Recovery Officer.

(3) The authorised officer shall intimate to the Recovery Officer any orders withdrawing or cancelling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of section 45F.

45F. Stay of proceedings under certificate and amendment or withdrawal thereof.—(1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the authorised officer may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(3) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued has been modified in appeal or other proceedings under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject-matter of a further proceeding under this Act, the authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Act, the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be.

45G. Other modes of recovery.—(2) Notwithstanding the issue of a certificate to the Recovery Officer under section 45C, the Director General or any other officer authorised by the Corporation may recover the amount by any one or more of the modes provided in this section.

(2) If any amount is due from any person to any factory or establishment or, as the case may be, the principal or immediate employer who is in arrears, the Director General or any other officer authorised by the Corporation in this behalf may require such person to deduct from the said amount the arrears due from such factory or establishment or, as the case may be, the principal or immediate employer under this Act and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Corporation :

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908).

(3) (i) The Director General or any other officer authorised by the Corporation in this behalf may, at any time or from time to time, by notice

in writing, require any person from whom money is due or may become due to the factory or establishment or, as the case may be, the principal or immediate employer or any person who holds or may subsequently hold money for or on account of the factory or establishment or, as the case may be, the principal or immediate employer, to pay to the Director General either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the factory or establishment or, as the case may be, the principal or immediate employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(ii) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the principal or immediate employer jointly with any other person and for the purposes of this sub-section, the shares of the joint-holders in such account shall be presumed, until the contrary is proved, to be equal.

(iii) A copy of the notice shall be forwarded to the principal or immediate employer at his last address known to the Director General or, as the case may be, the officer so authorised and in the case of a joint account to all the joint-holders at their last addresses known to the Director General or the officer so authorised.

(iv) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(v) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(vi) Where a person to whom a notice under this sub-section is sent objects to it by a statement on oath that the sum demanded or any part thereof is not due to the principal or immediate employer or that he does not hold any money for or on account of the principal or immediate employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Director General or the officer so authorised to the extent of his own liability to the principal or immediate employer on the date of the notice, or to the extent of the principal or immediate employer's liability for any sum due under this Act, whichever is less.

(vii) The Director General or the officer so authorised may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(viii) The Director General or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section and the person so paying shall be fully discharged from his liability to the principal or immediate employer to the extent of the amount so paid.

(i.) Any person discharging any liability to the principal or immediate employer after the receipt of a notice under this sub-section shall be personally liable to the Director General or the officer so authorised to the extent of his own liability to the principal or immediate employer so discharged or to the extent of the principal or immediate employer's liability for any sum due under this Act, whichever is less.

(x) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Director General or the officer so authorised, he shall be deemed to be a principal or immediate employer in default in respect of the amount specified in the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in sections 45C to 45F and the notice shall have the same effect as an attachment of a debt by the Recovery Officer in exercise of his powers under section 45C.

(4) The Director General or the officer authorised by the Corporation in this behalf may apply to the court in whose custody there is money belonging to the principal or immediate employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.

(5) The Director General or any officer to the Corporation may if so authorised by the Central Government by general or special order, recover any arrears of amount due from a factory or an establishment or, as the case may be, from the principal or immediate employer by distraint and sale of its or his movable property in the manner laid down in the Third Schedule to the Income-tax Act, 1961 (43 of 1961).

45-H. Application of certain provisions of the Income-tax Act.—The provisions of the Second and Third Schedules to the Income-tax Act, 1961 (48 of 1961) and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount of contributions, interests or damages under this Act instead of to the income-tax :

Provided that any reference in the said provisions and the rules to the "assessee" shall be construed as a reference to a factory or an establishment or the principal or immediate employer under this Act.

45-I. Definitions—For the purposes of sections 45C to 45H,—

(a) "authorised officer" means the Director General, Insurance Commissioner, Joint Insurance Commissioner, Regional Director or such other officer as may be authorised by the Central Government, by notification in the Official Gazette ;

(b) "Recovery Officer" means any officer of the Central Government, State Government or the Corporation, who may be authorised by the Central Government, by notification in the Official Gazette, to exercise the powers of a Recovery Officer under this Act.

17. Amendment of section 46.—In section 46 of the principal Act, in sub-section (1),—

(i) in clause (f), for the words "funeral benefit", the words "funeral expenses" shall be substituted ;

(ii) in the proviso, for the words "one hundred rupees" the words "such amount as may be prescribed by the Central Government" shall be substituted.

18. Omission of section 47.—Section 47 of the principal Act shall be omitted.

19. Substitution of new sections for sections 49 and 50.—For sections 49 and 50 of the principal Act, the following sections shall be substituted, namely :—

“49. Sickness benefit.—The qualification of a person to claim sickness benefit, the conditions subject to which such benefit may be given, the rates and period thereof shall be prescribed by the Central Government.

50. Maternity benefit. The qualification of an insured woman to claim maternity benefit, the conditions subject to which such benefit may be given, the rates and period thereof shall be such as may be prescribed by the Central Government.”.

20. Amendment of section 51.—In section 51 of the principal Act,—

(i) in the opening portion, the words “and the regulations, if any” shall be omitted ;

(ii) in clause (a), for the words “for the period of such disablement in accordance with the provisions of the First Schedule”, the words “at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government” shall be substituted ;

(iii) in clause (b), for the words “for such disablement in accordance with the provisions of the First Schedule”, the words “at such rates and for such period and subject to such conditions as may be prescribed by the Central Government” shall be substituted ;

(iv) the proviso shall be omitted.

21. Amendment of section 52.—In section 52 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “in accordance with the provisions of the First Schedule”, the words “at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government” shall be substituted ;

(ii) for the words, brackets and figure “sub-clause (i) and”, the words, brackets, figures and letter “sub-clause (i), sub-clause (ia) and” shall be substituted ;

(b) in sub section (2), for the words “In accordance with the provisions of the First Schedule”, the words “at such rates and for such period and subject to such conditions as may be prescribed by the Central Government” shall be substituted.

22. Amendment of section 54A.—In section 54A of the principal Act, after sub-section (2), the following provisos shall be inserted, namely :—

“Provided that no appeal by an insured person shall lie under this sub-section if such person has applied for commutation of disablement benefit on the basis of the decision of the medical board and received the committed value of such benefit :

Provided further that no appeal by the Corporation shall lie under this sub-section if the Corporation paid the commuted value of the disablement benefit on the basis of the decision of the medical board.”.

23. Amendment of section 56.—In section 56 of the principal Act, in sub-section (3), after the proviso, the following shall be inserted, namely :—

“Provided further that an insured person who ceases to be in insurable

employment on account of permanent disablement shall continue, subject to payment of contribution and such other conditions as may be prescribed by the Central Government, to receive medical benefit till the date on which he would have vacated the employment on attaining the age of superannuation, had he not sustained such permanent disablement :

Provided also that an insured person, who has attained the age of superannuation, and his spouse shall be eligible to receive medical benefit subject to payment of contribution and such other conditions as may be prescribed by the Central Government.

Explanation.—In this section, “superannuation”, in relation to an insured person, means the attainment by that person of such age as is fixed in the contract or conditions of service as the age on the attainment of which he shall vacate the insurable employment or the age of sixty years where no such age is fixed and the person is no more in the insurable employment.”

24. Amendment of section 62.—In section 62 of the principal Act, for the words “periodical payment”, the words “disablement benefit” shall be substituted.

25. Substitution of new section for section 63.—For section 63 of the principal Act, the following section shall be substituted, namely :—

“63. Persons not entitled to receive benefit in certain cases.—Save as may be provided in the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a holiday in respect of which he receives wages or on any day on which he remains on strike.”

26. Amendment of section 64.—In section 64 of the principal Act, in clause (d), the words “or sick visitor” shall be omitted.

27. Amendment of sections 68 and 70.—In sub-section (2) of section 68 and sub-section (3) of section 70 of the principal Act, the following shall be added at the end, namely :—

“or under section 45C to section 45I”.

28. Amendment of section 71.—In section 71 of the principal Act, for the words, brackets and figures “Except as provided in the proviso to sub-section (2) of section 50, if a person dies”, the words “If a person dies” shall be substituted.

29. Amendment of section 75.—In section 75 of the principal Act, after sub-section (2A), the following sub-section shall be inserted, namely :—

“(2B) No matter which is in dispute between a principal employer and the Corporation in respect of any contribution or any other dues shall be raised by the principal employer in the Employees’ Insurance Court unless he has deposited with the Court fifty per cent of the amount due from him as claimed by the Corporation:

Provided that the Court may, for reasons to be recorded in writing waive or reduce the amount to be deposited under this sub-section.”

30. Amendment of section 77.—In section 77 of the principal Act, in sub-section (1A), in the *Explanation*, for clause (b), the following clauses shall be substituted, namely :—

“(b) the cause of action in respect of a claim by the Corporation for recovering contributions (including interest and damages) from the principal employer shall be deemed to have arisen on the date on which such claim is made by the Corporation for the first time :

Provided that no claim shall be made by the Corporation after five years of the period to which the claim relates ;

(c) the cause of action in respect of a claim by the principal employer for recovering contributions from an immediate employer shall not be deemed to arise till the date by which the evidence of contributions having been paid is due to be received by the Corporation under the regulations.”.

31. Amendment of section 82.—In section 82 of the principal Act, in sub-section (4), for the words and figures “Indian Limitation Act, 1908 (9 of 1908)”, the words and figures “Limitation Act, 1963 (36 of 1963)” shall be substituted.

32. Amendment of section 84.—In section 84 of the principal Act.—

(i) for the words “three months”, the words “six months” shall be substituted ;

(ii) for the words “five hundred”, the words “two thousand” shall be substituted.

(iii) the following proviso shall be inserted at the end, namely :—

“Provided that where an insured person is convicted under this section, he shall not be entitled for any cash benefit under this Act for such period as may be prescribed by the Central Government.”.

33. Amendment of section 85.—In section 85 of the principal Act, for clauses (i) and (ii), the following clauses shall be substituted, namely :—

“(i) where he commits an offence under clause (a), with imprisonment for a term which may extend to three years but—

(a) which shall not be less than one year, in case of failure to pay the employee's contribution which has been deducted by him from the employee's wages and shall also be liable to fine of ten thousand rupees ;

(b) which shall not be less than six months, in any other case and also be liable to fine of five thousand rupees :

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term ;

(ii) where he commits an offence under any of the clauses (b) to (g) (both inclusive), with imprisonment for a term which may extend to one year or with fine which may extend to four thousand rupees, or with both”.

34. Amendment of section 85A.—In section 85A of the principal Act,—

(i) for the words “one year, or with fine which may extend to two thousand rupees, or with both”, the words “two years and with fine of five thousand rupees” shall be substituted ;

(ii) in the proviso, for the words “one year but which shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees”, the words “five years but which shall not be less than two years and shall also be liable to fine of twenty-five thousand rupees” shall be substituted.

35. Amendment of section 85B.—In section 85B of the Act,—

(a) in sub-section (1),—

(i) for the words “from the employer such damages not exceeding the amount of arrears as it may think fit to impose”, the words “from the employer by way of penalty such damages not exceeding the amount of arrears as may be specified in the regulations” shall be substituted ;

(ii) after the proviso, the following proviso shall be inserted, namely :—

“Provided further that the Corporation may reduce or waive the damages recoverable under this section in relation to an establishment which is a sick industrial company in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985 (of 1986), subject to such terms and conditions as may be specified in regulations.” ;

(b) in sub-section (2), the following shall be added at the end, namely :—

“or under section 45C to section 45-I’.

36. Amendment of section 85C.—In section 85C of the principal Act,—

(i) in sub-section (1), the following shall be added at the end, namely :—

“and to furnish the return relating to such contributions” ;

(ii) in sub-section (2), for the words “one hundred”, the words “one thousand” shall be substituted.

37. Amendment of section 86.—In section 86 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the First Class shall try any offence under this Act.” ;

(ii) in sub-section (3), the words “, within six months of the date on which the offence is alleged to have been committed” shall be omitted

38. Insertion of new section 86A.—After section 86 of the principal Act, the following section shall be inserted, namely :—

‘86A. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly ;

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation —For the purposes of this section, —

(i) “company” means any body corporate and includes a firm and other associations of individuals ; and

(ii) “director” in relation to—

(a) a company, other than a firm, means the managing director or a whole-time director ;

(b) a firm means a partner in the firm.’.

39. Amendment of section 90—In section 90 of the principal Act, the words “the Government or” shall be omitted.

40. Insertion of new sections 91B and 91C.—After section 91A of the principal Act, the following sections shall be inserted, namely :—

91B Misuse of benefits.—If the Central Government is satisfied that the benefits under this Act are being misused by insured persons in a factory or establishment, that Government may, by order, publish in the Official Gazette, desentitle such persons from such of the benefits as it thinks fit :

Provided that no such order shall be passed unless a reasonable opportunity of being heard is given to the concerned factory or establishment, insured persons and the trade unions registered under the Trade Unions Act, 1926 (16 of 1926), having members in the factory or establishment.

9 C Writing off of losses.—Subject to the conditions as may be prescribed by the Central Government, where the Corporation is of opinion that the amount of contribution, interest and damages due to the Corporation is irrecoverable, the Corporation may sanction the writing off finally of the said amount.”.

41. Amendment of section 92.—Section 92 of the principal Act shall be renumbered as section (1) thereof and after sub-section (1) as so renumbered, the following shall be inserted, namely :—

“(2) The Central Government may, from time to time, give such directions to the Corporation as it may think fit for the efficient administration of the Act, and if any such direction is given, the Corporation shall comply with such direction.”.

42. Amendment of section 94.—In section 94 of the principal Act, for the words and figures “or under section 230 of the Indian Companies Act, 1913 (7 of 1913)”, the words and figures “or under section 530 of the Companies Act, 1956 (1 of 1956)” shall be substituted.

43. Amendment of section 95.—In section 95 of the principal Act, in sub-section (2),—

(i) clause (a) shall be relettered as clause (ac) thereof and before clause (ac) as so relettered, the following clauses shall be inserted, namely :—

“(a) the limit of wages beyond which a person shall not be deemed to be an employee ;

(ab) the limit of maximum monthly salary for the purpose of sub-section (1) of section 17 ;” ;

(ii) in clause (ac) as so relettered, for the word “nominations”, the word “appointments” shall be substituted ;

(iii) in clause (d), for the words “Principal Officers”, the words “Director General and the Financial Commissioner” shall be substituted ;

(iv) clause (ee) shall be relettered as clause (ei) thereof and before clause (ei) as so relettered, the following clauses shall be inserted, namely :—

“(ca) the types of expenses which may be termed as administrative expenses, the percentage of income of the Corporation which may be spent for such expenses ;

(cb) the rates of contributions and limit of wages below which employees are not liable to pay contribution ;

(cc) the manner of calculation of the average daily wage ;

(cd) the manner of certifying the certificate to recover amount by the Recovery Officer ;

(ce) the amount of funeral expenses ;

(cf) the qualifications, conditions, rates and period of sickness benefit, maternity benefit, disablement benefit and dependents benefit ;

(c) after Serial Number 32 and entries relating thereto, the following

shall be inserted, namely:—

“32A:— Partial loss of vision of one eye 10”.

THE DELHI MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1989

The following Act of Parliament received the assent of the President on the 2nd August, 1989, and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 31, dated August 2, 1989.

INDIAN PARLIAMENT ACT NO. 25 OF 1989

An Act further to amend the Delhi Motor Vehicles Taxation Act, 1962.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Delhi Motor Vehicles Taxation (Amendment) Act, 1989.

(2) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. **Amendment of section 3.**—In section 3 of the Delhi Motor Vehicles Taxation Act, 1962 (57 of 1962), (hereinafter referred to as the principal Act),—

(i) for sub-section (1), the following sub section shall be substituted, namely:—

“(1) Subject to the other provisions of this Act, on and from the commencement of the Delhi Motor Vehicles Taxation (Amendment) Act, 1989, there shall be levied and collected on—

(a) all motor vehicles described in column (1) of Part A of Schedule I and used or kept for use in Delhi, a tax at the rate specified in the corresponding entry in column (2) of the said Part;

(b) all motor vehicles described in column (1) of Part B of Schedule I and used or kept for use in Delhi,—

(i) on their first registration in Delhi, a one time tax at the amount specified in the corresponding entry in column (2) of the said Part;

(ii) the same having been earlier registered in Delhi or in any other State, then having regard to the month of their first registration in Delhi or, as the case may be, in that other State, a one time tax at the amount specified in the respective columns (3) to (14) of Part C of Schedule I:

Provided that where such motor vehicles are more than ten years old from the date of their first registration, the owners thereof shall present the registration certificates of such motor vehicles to the taxation authority for an endorsement therein to the effect that the motor vehicles are more than ten years old and their use or keeping for use in Delhi do not attract any tax.”;

(ii) in sub section (2), after the proviso, the following proviso shall be added, namely:—

“Provided further that any such increase shall not apply in respect of a motor vehicle specified in Part B of Schedule I on which one time tax has been levied and collected.”

3. **Amendment of section 4.**—In section 4 of the principal Act, in sub-section (2), for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

“(a) where such vehicle is described in Part A of Schedule I,—

(i) for a year at the rate specified in the corresponding entry in column

(2) thereof (hereinafter referred to as the annual rate) ; or

(ii) for one or more quarters, at one-fourth of the annual rate for each quarter ; or

(iii) for any period less than a quarter expiring on the last day of the quarter, at one-twelfth of the annual rate for each complete month or part thereof included in such period ; or

(b) where such vehicle is described in Part B of Schedule I, a one time tax at the amount specified in the corresponding entry in column (2) in the said Part or, as the case may be, the amount specified in the respective columns in Part C."

4. Substitution of new section for section 10.—For section 10 of the principal Act, the following section shall be substituted, namely :—

"10. Refund of tax.—(1) When any person who has paid the tax in respect of a motor vehicle produces before the taxation authority a certificate signed by the registering authority stating that the tax token and the certificate of registration issued in respect of such vehicle have been surrendered on the date specified by the registering authority in his certificate, such person shall, on an application made in that behalf to the taxation authority and subject to such conditions as may be prescribed, be entitled to a refund,—

(a) in a case where payment of tax has been made in accordance with clause (a) of sub-section (2) of section 4, for each complete month of the period for which such tax has been paid and which is unexpired on the date on which the tax token and the certificate of registration were surrendered, of an amount equal to one-twelfth of the annual tax payable in respect of such vehicle ; and

(b) in a case where payment of tax has been made in accordance with clause (b) of sub-section (2) of section 4, at rates specified in Schedule IA.

(2) When any person has paid the tax in respect of a motor vehicle and the vehicle is removed outside Delhi before the expiry of the period for which the tax has been paid and taxed in another State or the registration of such vehicle is cancelled before the expiry of the period for which the tax has been paid, such person shall, on an application made in that behalf to the taxation authority and subject to such conditions as may be prescribed, be entitled to a refund,—

(a) in a case where payment of tax has been made in accordance with clause (a) of sub-section (2) of section 4, for each complete month of the period for which such tax has been paid and during which the vehicle was removed from Delhi or such vehicle's registration is cancelled, of an amount equal to one-twelfth of the annual tax payable in respect of such vehicle ; and

(b) in a case where payment of tax has been made in accordance with clause (b) of sub-section (2) of section 4, at the rates specified in Schedule IB.

(3) Where the rates of tax leviable under Part B of Schedule I are increased by notification in the Official Gazette under sub-section (2) of section 3, the Administrator may, from time to time, by the same notification or by a separate notification in the Official Gazette, correspondingly increase the rates of refund payable under this section and the refund of tax payable in respect of the vehicles registered on or after the date of such notification shall be at such increased rates".

5. Amendment of section 23.—In section 23 of the principal Act, in sub-section (3), after the words and figure “of section 3”, the words, brackets and figures “and sub-section (3) of section 10” shall be inserted.

6. Substitution of new Schedules for Schedule I.—For Schedule I of the principal Act, the following Schedules shall be substituted, namely :—

SCHEDULE I
(See section 3)
PART A

Description of motor vehicle	Annual rate of tax for each moter vehicle
(1)	(2)
	Rupees
Group A.—Motor vehicles fitted solely with pneumatic tyres	
I. Motor vehicles (including tricycles) used for transport or haulage of goods or materials, the registered laden weight of which—	
(a) does not exceed one tonne	Two hundred and twenty
(b) exceeds one tonne but does not exceed two tonnes	Three hundred and ten
(c) exceeds two tonnes but does not exceed four tonnes	Four hundred and seventy
(d) exceeds four tonnes but does not exceed six tonnes	Six hundred and thirty
(e) exceeds six tonnes but not exceed eight tonnes	Seven hundred and eighty
(f) exceeds eight tonnes but does not exceed nine tonnes	Nine hundred and forty
(g) exceeds nine tonnes but does not exceed ten tonnes	Eleven hundred
(h) exceeds ten tonnes	The rate specified in (g) above <i>plus</i> one hundred and fifty-six rupees for every one tonne or part thereof in addition to ten tonnes.
II. Additional tax payable in respect of vehicles referred to in Item I, used for drawing trailers—	
(a) for each trailer the registered laden weight of which does not exceed two tonnes	One hundred and fifty
(b) for each trailer the registered laden weight of which exceeds two tonnes :	Three hundred
Provided that two or more vehicles shall not be chargeable under this Item in respect of the same trailer.	

(1)	(2)
III. Motor vehicles (including tricycles) plying for hire and used for the transport of passengers, when—	
(a) licensed to carry, in all not more than two passengers (excluding driver)	One hundred
(b) licensed to carry, in all more than two but not more than four passengers (excluding driver and conductor)	Two hundred
(c) licensed to carry, in all more than four but not more than six passengers (excluding driver and conductor)	Three hundred and seventy-five
(d) licensed to carry, in all more than six passengers but not more than eighteen passengers (excluding driver and conductor)	Six hundred and thirty
(e) licensed to carry more than eighteen passengers (excluding driver and conductor)	The rate specified in (d) above <i>plus</i> ninety-four rupees for every passenger in addition to eighteen passengers.
IV. Motor vehicles owned by Airline Companies or Corporations for carrying passengers and staff—	
(a) the seating capacity of which does not exceed four (excluding driver)	Two hundred
(b) the seating capacity of which exceeds four but does not exceed six (excluding driver)	Three hundred and seventy-five
(c) the seating capacity of which exceeds six but does not exceed eighteen (excluding driver)	Six hundred and thirty
(d) the seating capacity of which exceeds eighteen	The rate specified in (c) above <i>plus</i> ninety-four rupees for every person in addition to eighteen persons.
V. Break-down vans used for towing disabled vehicles and tower wagons used for maintenance of overhead electric lines	Three hundred and ten
Group B.—Motor vehicles other than those fitted solely with pneumatic tyres	The rates shown in Group A in this Part <i>plus</i> fifty per cent. thereof.

PART B

Description of motor vehicle	Amount
(1)	(2)
	Rupees
Group A.—Motor vehicles fitted solely with pneumatic tyres—	
I. Motor cycles and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanised power)—	
(a) motor cycles, scooters (flat rate)	Four hundred
(b) scooterettes and autocycles (flat rate)	Two hundred
(c) tricycles (flat rate)	Five hundred
(d) motor vehicles specified in (a) or (c) above used for drawing a trailer or side car	The rate specified in (a) or (c) above plus one hundred and fifty rupees.
II. Motor vehicles (adapted and used for invalids) the registered unladen weight of which does not exceed three hundred kilograms	One hundred
III. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule the registered unladen weight of which—	
(a) does not exceed one thousand kilograms	One thousand two hundred and fifty
(b) exceeds one thousand kilograms but does not exceed one thousand and five hundred kilograms	One thousand and six hundred
(c) exceeds one thousand and five hundred kilograms but does not exceed two thousand kilograms	Two thousand and three hundred
(d) exceeds two thousand kilograms	The amount specified in (c) above plus one thousand and five hundred, for every one thousand kilograms or part thereof in addition to two thousand kilograms.
IV. Additional tax payable in respect of vehicles referred to in Item III if such vehicles are used for drawing trailers—	
(a) for each trailer the registered unladen weight of which does not exceed one tonne	Six hundred
(b) for each trailer the registered unladen weight of which exceeds one tonne:	One thousand and two hundred
Provided that two or more vehicles shall not be	

(1)	(2)
-----	-----

chargeable under this Item in respect of the same trailer.

Group B.—Motor vehicles other than those fitted solely with pneumatic tyres.

The amount shown in Group A of this Part *plus* fifty per cent thereof

Note.—The registered unladen weight of motor vehicles shall be as specified in the certificate of registration.

PART C

Sl. No.	Age of the motor vehicle from the month of first registration	Group A of Part B—Amount on motor vehicles specified in Items—												Group B of Part B Motor vehicles
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
01	more than one year but not more than two years	360	180	450	135	90	1125	1440	2070	1350	540	1080		The amount shown for Group A Motor vehicles
02	more than two years but not more than three years	320	160	400	120	80	1000	1280	1840	1200	480	960		<i>plus</i> fifty per cent. thereof.
03	more than three years but not more than four years	280	140	350	105	70	875	1120	1610	1050	420	840		
04	more than four years but not more than five years	240	120	300	90	60	750	960	1380	900	360	720		
05	more than five years but not more than six years	200	100	250	75	50	625	800	1150	750	300	600		

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
6	more than six years but not more than seven years	160	80	200	60	40	500	640	920	600	240	480	
07	more than seven years but not more than eight years	120	60	150	45	30	375	480	690	450	180	360	
08	more than eight years but not more than nine years	80	40	100	30	20	250	320	460	300	120	240	
09	more than nine years but but more than ten years	40	20	50	15	10	125	160	230	150	60	120	
10	more than ten years	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	

otes :—1. The amount indicated in column (6) is in addition to the amount specified in column (3) or (5).

2. The amount indicated in column (11) is for every one thousand kilograms or part thereof and in addition to the amount specified in column (10).

3. The amount indicated in column (12) or (13) is in addition to the amount specified in column (8), (9), (10) or (11).

SCHEDULE IA

[See section 10(1)(b)]

Group A.—Motor vehicles fitted solely with pneumatic tyres

Part I.—Motor cycles, tricycles (including motor scooters and cycles with attachment for propelling the same by mechanised power)

Rate of refund per quarter or part thereof					
Sl. No.	If after registration the vehicle is not used for a quarter or more and its age from the month of first registration is—	Motor cycles, scooters	Scooter-ettes, auto cycles	Tricycles	Vehicles specified in column (3) or (5) used for drawing a trailer or side car (for side car)
		Rs.	Rs.	Rs.	Rs.
(1)	(2)	(3)	(4)	(5)	(6)
01	one year or less	5.00	2.50	6.00	1.75

(1)	(2)	(3)	(4)	(5)	(6)
02	more than one year but not more than two years	5.00	2.50	6.00	1.75
03	more than two years but not more than three years	5.00	2.50	6.00	1.75
04	more than three years but not more than four years	5.00	2.50	6.00	1.75
05	more than four years but not more than five years	5.00	2.50	6.00	1.75
06	more than five years but not more than six years	5.00	2.50	6.00	1.75
07	more than six years but not more than seven years	5.00	2.50	6.00	1.75
08	more than seven years but not more than eight years	5.00	2.50	6.00	1.75
09	more than eight years but not more than nine years	5.00	2.50	6.00	1.75
10	more than nine years	Nil	Nil	Nil	Nil

Part II.—Motor vehicles (adapted and used for invalids) the registered unladen weight of which does not exceed three hundred kilograms

Sl. No.	If after registration the vehicle is not used for a quarter or more and its age from the month of first registration is—	Rate of refund per quarter
		Rs.
(1)	(2)	(3)
01	one year or less	1.25
02	more than one year but not more than two years	1.25
03	More than two years but not more than three years	1.25
04	more than three years but not more than four years	1.25
05	more than four years but not more than five years	1.25
06	more than five years but not more than six years	1.25
07	more than six years but not more than seven years	1.25
08	more than seven years but not more than eight years	1.25
09	more than eight years but not more than nine years	1.25
10	more than nine years	Nil

PART IV

RAJASTHAN ACTS, ORDINANCES AND NOTIFICATIONS

1990

Published in the Rajasthan Gazette, Extraordinary, Part 4 (Ga), dated October 24, 1989.

THE RAJASTHAN LAND DEVELOPMENT CORPORATION (AMENDMENT) ORDINANCE, 1989

RAJASTHAN ORDINANCE NO. 10 OF 1989

An Ordinance further to amend the Rajasthan Land Development Corporation Act, 1975.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that the circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor hereby promulgates in the Fortieth Year of the Republic of India the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Rajasthan Land Development Corporation (Amendment) Ordinance, 1989.

(2) It shall be deemed to have come into force on 1st April, 1989.

2. **Amendment of section 35, Rajasthan Act No. 17 of 1975.**—In subsection (1) of section 35 of the Rajasthan Land Development Corporation Act, 1975 for the words "Thirtieth day of June", the words "Thirty-first day of March" shall be substituted.

Dated October 21, 1989.

Sd/-
Governor of Rajasthan.

THE RAJASTHAN MUNICIPALITIES (AMENDMENT) ORDINANCE, 1989

The following Ordinance made and promulgated by the Governor on the 12th day of October, 1989 was published in the Rajasthan Gazette, Extraordinary Part 4 (Ga), dated October 12, 1989.

RAJASTHAN ORDINANCE NO. 9 OF 1989

An Ordinance further to amend the Rajasthan Municipalities Act, 1959.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor hereby promulgates in the Fortieth Year of the Republic of India the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the **Rajasthan Municipalities (Amendment) Ordinance, 1989.**

(i) It shall come into force at once.

2. **Amendment of Section 3, Rajasthan Act No. 38 of 1959.**—In Section 3 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), hereinafter referred to as the principal Act.—

(a) after clause (15), the following new clause shall be inserted, namely :—

“(15-A) “municipal area” means the territorial area of a municipality ;”;

(b) for the existing clause (16), the following shall be substituted, namely :—

“(16) “municipality”, that is to say, nagarpalika means an institution (by whatever name called) of self-government for the urban areas, in existence at the time of commencement of, or constituted in accordance with, the provisions of, the Act ; and includes a nagar-panchayat ;” ; and

(c) after clause (16), the following new clause shall be inserted, namely :—

“(16-A) “Nagar Panchayat” means an institution (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area, having a population of less than twenty thousand but not less than ten thousand ;”.

3. **Amendment of section 4, Rajasthan Act No. 38 of 1959.**—In subsection (7) of section 4 of the principal Act, between the word “directions” and the words “and notice”, the expression, “notifications” shall be inserted and shall always be deemed to have been inserted.

4. **Validation.**—(1) Notwithstanding any judgement, decree or order of any court or other authority to the contrary any octroi levied, charged or collected or purporting to have been levied, charged or collected before the commencement of this Ordinance and any action taken or things done before such commencement in relation to such assessment, re-assessment, levy or collection under the provisions of the principal Act and the rules made thereunder shall be deemed to be as valid and effective as if such assessment, re-assessment, levy or collection or action or things had been made, taken or done under the principal Act as amended by this Ordinance and the rules and bye-laws made thereunder and accordingly—

(a) all acts, proceedings or things done or taken by any municipality or the officers of such municipality or by any other authority in connection with the assessment, re-assessment, levy or collection of such tax or octroi shall, for all purposes, be deemed to be and to have always been done or taken in accordance with law ;

(b) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such tax or octroi ; and

(c) no court shall enforce any decree or order directing the refund of any such tax or octroi.

(2) For the removal of doubts, it is hereby declared that nothing in

sub-section (1) shall be construed as preventing any person—

(a) from questioning in accordance with the provisions of the principal Act, as amended by this Ordinance, any assessment, re-assessment, levy or collection of tax or octroi referred to in sub-section (1); or

(b) from claiming refund of any tax or octroi paid by him in excess of the amount due from him by way of tax or octroi under the principal Act, as amended by this Ordinance.

5. Amendment of section 5, Rajasthan Act No. 38 of 1959.—In section 5 of the principal Act,—

(a) in sub-section (1), for the expression “may be declared a municipality;”, the expression “may be declared a municipality and classified as follows :—

(i) for an area having a population of twenty thousand or more but not more than one lakh, a municipal board ;

(ii) for an area having a population of more than one lakh but not more than five lakhs, a municipal council ; and

(iii) for an area having a population of more than five lakhs, a municipal corporation.” shall be substituted ;

(b) the existing proviso to sub-section (1) shall be deleted ; and

(c) after sub-section (2), the following new sub-section shall be added, namely :—

“(a) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may provide for the constitution of—

(i) a nagar-panchayat for a transitional area having a population of less than ten thousand but not less than five thousand ;

(ii) a municipality for an urban area having a population of less than twenty thousand but not less than ten thousand ;
where such an area is of historical or industrial importance or is important for trade tourism or pilgrimage.”.

6. Amendment of section 9, Rajasthan Act No. 38 of 1959.—In section 9 of the principal Act,—

(a) after sub-section (3), the following new sub-section shall be inserted, namely :—

“(3-A) Subject to the minimum of one seat, as nearly as may be thirty per cent (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled in by direct election in every board shall be reserved for women and allotted by rotation to different wards in a municipality.” ; and

(b) the existing sub-section (5) shall be deleted.

7. Amendment of section 11, Rajasthan Act No. 38 of 1959.—In section 11 of the principal Act,—

(a) in sub-section (1), for the words “three years”, the words “five years” shall be substituted ; and

(b) in the first proviso to sub-section (1), for the words “two years”, the words “six months” shall be substituted.

8. Amendment of section 15, Rajasthan Act No. 38 of 1959.—In sub-section (1) of section 14 of the principal Act, the word “and” as occurring in clause (b) shall be omitted, for the punctuation mark “,” appearing in

clause (c), the expression “; and” shall be substituted and after clause (c), as so amended, the following new clause shall be inserted, namely :—

“(d) the wards for women candidates by rotation including women of Scheduled Castes/Scheduled Tribes.”.

9. Amendment of section 23, Rajasthan Act No. 38 of 1959.—In the proviso to sub-section (1) of section 23 of the principal Act, for the words “two years”, the words “six months” shall be substituted.

10. Amendment of section 64, Rajasthan Act No. 38 of 1959.—In section 64 of the principal Act, for the words “three years”, the words “five years” shall be substituted.

11. Amendment of section 65, Rajasthan Act No. 38 of 1959.—In sub-section (12) of section 66 of the principal Act, after the words “may resign by” and before the words “giving a like notice”, the word “personally” shall be inserted.

12. Amendment of section 73, Rajasthan Act No. 38 of 1959. - In clause (iii) of sub-section (1) of section 73 of the principal Act, after the words “by the Council” and before the punctuation mark “;”, the words “including two from the women members” shall be inserted.

13. Amendment of section 293, Rajasthan Act No. 38 of 1959.—In the first proviso to section 293 of the principal Act, for the words “one year”, the words “six months” shall be substituted.

14. Amendment of section 293-A, Rajasthan Act No. 38 of 1959.—In sub-section (1) of section 293-A of the principal Act, after the words “such appointment” and before the punctuation mark “;”, the expression “so, however, that the total period of appointment including that of extension shall not exceed six months” shall be inserted.

15. Amendment of section 295, Rajasthan Act No. 38 of 1959. In section 295 of the principal Act,—

(a) sub-section (2) shall be deleted.

(b) in sub-section (3), the expression “or extended under sub section (2)” and the words “or of the extension of the period thereof” shall be deleted ; and

(c) in sub-section (5),—

(i) in clause (b), the expression “or extended under sub-section (2)” shall be deleted ; and

(ii) for the existing clause (d), the following shall be substituted, namely :—

“(d) the board dissolved or superseded shall be reconstituted in the manner laid down in clause (b) of sub-section (4), within the period of six months and shall start functioning immediately.”.

16. Amendment of section 314, Rajasthan Act No. 38 of 1959.—In sub-section (1) of section 314 of the principal Act, the punctuation mark “;” appearing at the end of the first proviso shall be substituted by the punctuation mark “;” and therefore, the following new proviso shall be added, namely :—

“Provided further that at least two women members, residing within the notified area, shall be appointed by the State Government, in each case.”.

Dated October 12, 1989.

Sd/-

Governor of Rajasthan.

PART V

GUJARAT ACTS & ORDINANCES

1990

THE GUJARAT (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1989

The following Act of the Gujarat Legislature having been assented to by the Governor on the 4th October, 1989, was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated 5th October, 1989.

GUJARAT ACT NO. 22 OF 1989

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the thirty-first day of March, 1990.

It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Gujarat (Second Supplementary) Appropriation Act, 1989.

(Text of the Act omitted)

THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA (AMENDMENT) ACT, 1989

The following Act of the Gujarat Legislature, having been assented to by the President on the 24th October, 1989, was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated 25th October, 1989.

GUJARAT ACT NO. 24 OF 1989

An Act further to amend the Maharaja Sayajirao University of Baroda Act, 1949.

It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Maharaja Sayajirao University of Baroda (Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 5th May, 1989.

2. Amendment of section 9 of the Baroda Act No. XVII of 1949.—In the Maharaja Sayajirao University of Baroda Act, 1949 (Baroda Act No. XVII of 1949) (hereinafter referred to as “the principal Act”), in section 9, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Shrimati Mrunalinidevi Puar shall be the Chancellor of the University.”.

3. Repeal and Savings.—(1) The Maharaja Sayajirao University of

Baroda (Amendment) Ordinance, 1989 (Guj. Ord. No. 1 of 1989), is hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Published in the Gujarat Government Gazette, Extraordinary, Part IV, dated October 27, 1989.

THE GUJARAT IRRIGATION AND DRAINAGE (AMENDMENT) ORDINANCE, 1989

GUJARAT ORDINANCE NO 6 OF 1989

An Ordinance to amend the Gujarat Irrigation and Drainage Ordinance, 1989.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Irrigation and Drainage Ordinance, 1989 ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. Short title and commencement.—This Ordinance may be called the Gujarat Irrigation and Drainage (Amendment) Ordinance, 1989.

(2) It shall come into force at once

2. Amendment of section 116 of Guj. Ord. 2 of 1989 —In the Gujarat Irrigation and Drainage Ordinance, 1989 (Guj. Ord. 2 of 1989), in section 116, after the second proviso, the following proviso shall be added, namely :—

“Provided also that on this Ordinance ceasing to operate, such repeal shall not affect the revival of the Bombay Irrigation Act, 1879 (Bom. VII of 1879), in its application to the State of Gujarat and accordingly the Bombay Irrigation Act, 1879 (Bom. VII of 1879), in its application to the State of Gujarat shall on the ceasing of this Ordinance stand revived and shall have the same force and effect as it had immediately before such repeal.”.

STATEMENT

Section 116 of the Gujarat Irrigation and Drainage Ordinance, 1989 repeals the Bombay Irrigation Act, 1873 in its application to the State of Gujarat. However, by virtue of clause (2) of Article 213 of the Constitution, the said Ordinance would, on the expiration of six weeks from the reassembly of the Gujarat Legislative Assembly on the 18th September, 1989, cease to operate. It is considered necessary to amend the said section 116 with a view to reviving the Bombay Irrigation Act, 1879 on ceasing of the Gujarat Irrigation and Drainage Ordinance, 1989.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the said object.

Gandhinagar.

Dated the 27th October, 1989,

R.K. TRIVEDI,
Governor of Gujarat.

Published in the Gujarat Government Gazette, Extraordinary, Part IV, dated October 21, 1989.

THE GUJARAT STATE TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS (AMENDMENT) ORDINANCE, 1989
GUJARAT ORDINANCE NO. 5 OF 1989

An Ordinance further to amend the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976.

Whereas the Legislative Assembly of the State of Gujarat is not in session :

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Gujarat State Tax on Professions, Trades, Callings and Employments (Amendment) Ordinance, 1989.

(2) It shall be deemed to have come into force on the 1st April, 1989.

2. **President's Act No. 11 of 1976 to be temporarily amended.**—During the period of operation of this Ordinance, the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (President's Act No. 11 of 1976) (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 and 4.

3. **Amendment of section 8 of President's Act No. 11 of 1976.**—In the principal Act, in section 8, to sub-section (2), the following proviso shall be added, namely :—

"Provided that the tax payable under clause (a) may, for the year ending on the 31st March, 1990, be paid on or before the 30th day of November, 1989."

4. **Amendment of Schedule I to President's Act No. 11 of 1976.**—In the principal Act, in Schedule I,—

(1) in entry 2, in clause (I), in column 3, for the letters and figures "Rs. 750" the letters and figures "Rs. 600" shall be substituted ;

(2) in entry 3,

(a) for item (iii), the following item shall be substituted, namely :—

"(iii) (a) Owners of oil pumps with or without service stations and where any such oil pump is leased, the lessee thereof

Rs. 1000 every year.

(b) Owners of service stations and where any service station is leased, the lessee thereof

Rs. 500 every year."

(b) in item (iv), the words "residential hotels and" shall be deleted ;

(c) after item (iv), the following item shall be inserted, namely :—

"(iv-a) Employers of residential hotels as defined in the Bombay Shops

and Establishments Act, 1948 (Bom. LXXIX of 1948) :—

- (i) having less than 20 beds Rs. 500 every year.”
- (ii) having 20 but not more than 50 beds Rs. 1000 every year.
- (iii) having more than 50 beds : Rs. 2000 every year.”;
- (3) in entry 4,
(a) in clause (a), for items (ii) and (iii), the following item shall be substituted, namely :—
“(ii) more than five years. : Rs. 600 every year.”;
- (b) in clause (b), for items (ii) and (iii), the following item shall be substituted, namely :—
“(ii) more than five years. : Rs. 500 every year.”;
- (c) in clause (c), for items (ii) and (iii), the following item shall be substituted, namely :—
“(ii) more than five years : Rs. 400 every year.”;
- (4) in entry 6, in Explanation I, after the words, brackets and figures “item (iii) of this entry” the words, brackets and figures “and item (iii) of entry 9” shall be inserted ;
- (5) for entry 9, the following entry shall be substituted, namely :—

1	2	3
“9. Money-lenders licensed under the Bombay Money-Lenders Act, 1946 (Bom. XXXI of 1947)—		
(i) in any City.		Rs. 750 every year.
(ii) In a municipal borough the population of which as ascertained in the last preceding census is more than 1,00,000 and in the area adjoining such municipal borough to the extent of 3 kilometers from its limits.		Rs. 500 every year.
(iii) in a specified area.		Rs. 250 every year.”.

STATEMENT

The Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 has been amended by Gujarat Act No. 14 of 1989 which has come into force on the 1st April, 1989. It has been represented to Government that the time limit for the payment of the tax for the year ending on the 31st March, 1990 under clause (a) of sub-section (2) of section 8 of the said Act should be extended beyond 30th September, 1989. Representations have also been received requesting Government to grant some relief in the rate of tax payable under the said Act as amended by Gujarat Act No. 14 of 1989. Government has considered the representations and decided to extend the afore-

PART VI

MAHARASHTRA ACTS AND ORDINANCES

1990

THE DRUGS AND COSMETICS (MAHARASHTRA AMENDMENT) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the President on the 28th September 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 4th October, 1989.

MAHARASHTRA ACT NO. XXXI OF 1989

An Act further to amend the Drugs and Cosmetics Act, 1940, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Drugs and Cosmetics Act, 1940, (23 of 1940) in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Fortieth Year of the Republic of India, as follows :—

1. Short title.— This Act may be called the Drugs and Cosmetics (Maharashtra Amendment) Act, 1989.

2. Amendment of section 33 of Act 23 of 1940.—In section 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in sub-section (2),—

(a) in clause (e), the words "and the fees payable therefor" shall be deleted ;

(b) clause (cca) shall be deleted ; and

(c) in clause (o), the words "and the fees payable therefor" shall be deleted.

3. Insertion of section 33-1A in Act 23 of 1940.—After section 33 of the principal Act, the following section shall be inserted, namely :—

"33-1A Power of State Government to make rules.—The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules, to prescribe the fees payable for the following purposes of this Chapter, namely :—

(a) grant or renewal of a licence for the manufacture for sale or distribution for the sale and for the distribution of drugs or any specified drugs or class of drugs or of cosmetics or any specified cosmetics or class of cosmetics ;

(b) inspection (for the purposes of grant or renewal of licences) of premises, wherein any drug or cosmetics is being or is proposed to be manufactured ;

(c) test or analysis of any drug or cosmetic by Government Analyst ; and

(d) any other matter for which fees may be prescribed under this Chapter.”

4. **Amendment of section 33N of Act 23 of 1940.**—In section 33N of the principal Act, in sub-section (2) in clause (e), the words “and the fees payable therefor” shall be deleted.

5. **Insertion of section 33N-1 in Act 23 of 1940.**—After section 33N of the principal Act, the following section shall be inserted, namely :—

“33N-1. **Power of State Government to make rules.**—The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to prescribe the fees payable for the following purposes of this Chapter, namely :—

(a) grant or renewal of a licence for the manufacture for sale of Ayurvedic, Siddha or Unani drugs, and for sale of processed Ayurvedic, Siddha or Unani drugs ;

(b) inspection (for the purpose of grant or renewal of licences) of premises, wherein any Ayurvedic, Siddha or Unani drug is being or is proposed to be manufactured ;

(c) test or analysis of any Ayurvedic, Siddha or Unani drug by Government Analyst ; and

(d) any other matter for which fees may be prescribed under this Chapter.”

6. **Amendment of section 38 of Act 23 of 1940.**—In section 38 of the principal Act, for the words “Every rule made” the words “Every rule made by the Central Government” shall be substituted.

7. **Insertion of section 39 in Act 23 of 1940.**—After section 38 of the principal Act, the following section shall be inserted, namely :—

“39. **Rules to be laid before State Legislature.**—Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”

8. **Amendment Forms 14-A and 19-A of Drugs and Cosmetics Rules.**—In the Drugs and Cosmetics Rules, 1945, in Schedule-A, —

(a) in Form 14-A, for item 7, the following shall be substituted, namely :—

“7. A fee of rupees has been credited to the Government account under the head of account..... ”;

(b) in Form 19-A,—

(i) in item 6, the words “five” and “twenty”, respectively, shall be deleted ;

(iii) the portion beginning with the words "Rupees five" and ending with the words "restricted licence", at the end, shall be deleted.

THE BOMBAY MUNICIPAL CORPORATION (AMENDMENT) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 26th October, 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 27th October, 1989.

MAHARASHTRA ACT NO XXXIII OF 1989

An Act further to amend the Bombay Municipal Corporation Act.

Whereas it is expedient further to amend the Bombay Municipal Corporation Act (Bom. III of 1888), for the purposes hereinafter appearing; It is hereby enacted in the Fortieth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the **Bombay Municipal Corporation (Amendment) Act, 1989**.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 19 of Bom. III of 1888.**—In section 19 of the Bombay Municipal Corporation Act (Bom. III of 1888) (hereinafter referred to as "the principal Act") in sub-section (1), in clause (b), for the words "thirty days", where they occur in both the places in paragraphs (iv) and (vi), the words "forty-five days" shall be substituted.

3. **Amendment of section 26 of Bom. III of 1888.**—In section 26 of the principal Act, in sub-section (2), in clause (j), in the first proviso, for the words "seven days" the words "three days" shall be substituted.

4. **Amendment of section 26A of Bom. III of 1888.**—In section 26A of the principal Act in sub-section (2), in clause (b), for the words "seven days" the words "three days" shall be substituted.

5. **Amendment of section 27 of Bom. III of 1888.**—In section 27 of the principal Act, in sub-section (2), for the words "in the local newspapers" the words "by displaying the names of persons so nominated wardwise, on the notice-board of each respective ward-office" shall be substituted.

6. **Amendment of section 80A of Bom. III of 1888.**—In section 80A of the principal Act,—

(a) in sub-section (1),—

(i) for the words "to the posts with a minimum monthly salary, exclusive of allowances, of rupees one thousand two hundred or more" the following shall be substituted, namely:—

"to the posts which rank equivalent to, or higher than, the posts of Executive Engineer set forth in a schedule for the time being in force prepared and sanctioned under section 79";

(ii) in the proviso, for the words "to the posts for loan works with a minimum monthly salary, exclusive of allowances, of rupees one thousand two hundred or more" the words "to such posts for loan works" shall be substituted;

(b) in sub-section (2), in the second proviso, for the words "carrying a monthly salary of more than six hundred rupees exclusive of allowances" the following shall be substituted, namely:—

"to a post which ranks higher than the post of a Registration Assistant

set forth in a schedule for the time being in force prepared and sanctioned under section 79” ;

(c) the following Explanation shall be added, at the end, namely :—

“Explanation —For the purposes of this section, sub-section (1) of section 80B and section 640U, a post shall be deemed to rank equivalent to, or higher than, the post if the minimum of the pay-scale of the former is equivalent to, or higher than, the minimum of the pay-scale of the latter.”.

7. Amendment of section 80B of Bom III of 1888.—In section 80B of the principal Act, in sub-section (1).—

(a) for clause (a), the following shall be substituted, namely :—

“(a) the power of appointment to which vests in the corporation or the Standing Committee and which is equivalent to, or higher than, the post of Executive Engineer set forth in the schedule for the time being in force prepared and sanctioned under section 79 ; or” ;

(b) in clause (b), for the words “and the minimum monthly salary exclusive of allowances, for which is rupees seven hundred and fifty per mensem or more,” the following shall be substituted, namely :—

“and which is equivalent to, or higher than, the post of Secretary set forth in the schedule sanctioned by the Bombay Electric Supply and Transport Committee and the corporation under section 460R.” ;

(c) in the proviso, for the portion beginning with the words “and the minimum” and ending with the words “per mensem.” the following shall be substituted, namely :—

“and which ranks lower than the post of Executive Engineer set forth in the schedule for the time being in force prepared and sanctioned under section 79.”

8. Amendment of section 83 of Bom. III of 1888.—In section 83 of the principal Act, in sub-section (2), in clause (a), for the words “the minimum monthly salary exclusive of allowances of which is rupees one thousand two hundred or more” the words, figures and letter “to which the provisions of section 80A apply” shall be substituted.

9. Amendment of section 140 of Bom III of 1888.—In section 140 of the principal Act, in sub-section (1), after clause (ca), the following clause shall be inserted, namely :—

“(cb) the street tax leviable under section 195G”.

10. Insertion of section 195G in Bom. III of 1888.—After section 195F, of the principal Act, the following heading and section shall be inserted, namely :—

“Street Tax

195G Street tax.—(1) The corporation may, for the purposes of clause (m) of section 61, levy within its area, an additional tax on buildings and lands (hereinafter referred to as “the street tax”), of so many per centum, not exceeding fifteen, of their, rateable value, as the Standing Committee may, from time to time determine :

Provided that,—

(a) all buildings and lands vesting in the Central Government,

(b) all other buildings and lands exempted from the general tax under section 143.

(c) all buildings and lands of a rateable value below such sum as the corporation may determine,

shall be exempted from the street tax.

(2) The corporation may require the Municipal Commissioner to recover the amount of the street tax determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed, under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 shall apply to the street tax as if it were part of the general tax levied under this Act."

11 Amendment of section 460U of Bombay III of 1888.—In section 460U of the principal Act, for the words "the minimum monthly salary, exclusive of allowances, is less than five hundred rupees per mensem", the following shall be substituted, namely :—

"If the post is equivalent to, or higher than, the post of Secretary set forth in the schedule sanctioned by the Bombay Electric Supply and Transport Committee and the corporation under section 460R."

THE MAHARASHTRA LEGISLATURE MEMBERS PENSION (AMENDMENT) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 26th October, 1989, was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 27th October, 1989.

MAHARASHTRA ACT NO. XXXIV OF 1989

An Act further to amend the Maharashtra Legislature Members' Pension Act, 1976.

Whereas, it is expedient further to amend the Maharashtra Legislature Members' Pension Act, 1976 (Mah. I of 1977), for the purposes hereinafter appearing; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Maharashtra Legislature Members' Pension (Amendment) Act, 1989.

2. Amendment of section 3 of Mah. I of 1977.—In section 3 of the Maharashtra Legislature Members' Pension Act, 1976 (Mah. I of 1977), (hereinafter referred to as "the principal Act"), in sub-section (1), in the proviso the words "so however, that in no case the pension payable to such person shall exceed one thousand rupees per month" shall be deleted.

3. Amendment of section 4 of Mah. I of 1977.—In section 4 of the principal Act,—

(a) sub-section (2) shall be deleted;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Nothing in this Act shall affect the right of any member of the State Legislature to receive any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or the State Government or any local authority, under any law or otherwise, or any pension from the Central Government or any State Government as a freedom-fighter."

THE MAHARASHTRA APPROPRIATION (EXCESS EXPENDITURE) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 26th October, 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 27th October, 1989.

MAHARASHTRA ACT NO. XXXV OF 1989

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1984, in excess of the amounts granted for those services and for that year.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1984, in excess of the amounts granted for those services and for that year ; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Maharashtra Appropriation (Excess Expenditure) Act, 1989.

(Text of the Act omitted)

THE MAHARASHTRA (THIRD SUPPLEMENTARY) APPROPRIATION ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 27th October, 1989, was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 1st November, 1989.

MAHARASHTRA ACT NO. XXXVII OF 1989

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March, 1990.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March, 1990 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra (Third Supplementary) Appropriation Act, 1989.

(Text of the Act omitted)

THE MAHARASHTRA VILLAGE PANCHAYATS (TEMPORARY POSTPONEMENT OF CERTAIN ELECTIONS DUE TO THE FLOOD CONDITIONS IN THE STATE) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 30th October, 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 2nd November, 1989.

MAHARASHTRA ACT NO. XXXVIII OF 1989

An Act to provide for temporary postponement of elections to certain village panchayats.

WHEREAS under section 27 of the Bombay Village Panchayats Act, 1958, (Bom. III of 1959) the term of office of the members of a *Panchayat* is for a period of five years, which term can be extended for a further period of six months only after consultation with the Standing Committee of the Zilla Parishad ;

AND WHEREAS the elections of members of 11,000 Panchayats, out of 19,500 Panchayats, whose elections are due in 29 districts in the State have already been held since the month of April 1988 ;

AND WHEREAS under section 11 of the said Act, the elections of members of the remaining Panchayats were required to be held on such date as the Collector may appoint in this behalf and in the manner as prescribed by rules ;

AND WHEREAS because of the widespread damage caused by the recent torrential rains, heavy floods and high velocity winds in the various parts of the State, the Collectors of the Districts and their staff who were necessary for holding the elections of the remaining Panchayats were required to direct all efforts towards the relief and rehabilitation work, it was not practicable to withdraw the services of such officers and the staff who were fully engaged in the said work ;

And whereas it would have been inconvenient also to people in general to have such elections held during the critical period as there was possibility that some of the voters might have been rehabilitated away from their normal place of residence and this migration might have ultimately deprived them of their right of franchise ;

And whereas for these reasons it was expedient to temporarily postpone general elections of the remaining Panchayats for a certain period ;

And whereas in consequence of such postponement, it was necessary to extend suitably the term of office of the existing members of certain Panchayats and Administrators of certain other Panchayats ;

And whereas both Houses of the State Legislature were not in session ;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for the temporary postponement of the elections to certain Panchayats and consequent extension of office of members and Administrators as aforesaid and also for matters connected therewith ; and, therefore, promulgated the Maharashtra village Panchayats (Temporary Postponement of Certain Elections due to flood conditions in the State) Ordinance, 1989 (Maharashtra Ordinance VI of 1989), on the 14th September, 1989 ;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Fortieth Year of the Republic of India, as follows :—

1. Short title, commencement and duration. — (1) This Act may be called the Maharashtra Village Panchayats (Temporary Postponement of certain Elections due to flood conditions in the State) Act, 1989.

(2) It shall be deemed to have come into force on the 14th September, 1989.

(3) It shall remain in operation upto, and inclusive of the 31st May, 1990 or such earlier date as the State Government may, by notification in the Official Gazette, specify, and shall then expire. Section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

2. **Definitions**—In this Act, unless the context otherwise requires,—

(a) "Administrator" means an Administrator appointed under clause (b) of sub-section (1) of section 159 and 160 of the Panchayats Act, and includes any person appointed under clause (b) of sub-section (2) of section 145 or clause (a) of sub-section (1) of section 151 of that Act ;

(b) "election to a panchayat" means the election of a member of the panchayat which is due or likely to be due on or after the date of commencement of this Act, but shall not include the election of a Sarpanch or Upa-Sarpanch ;

(c) "Panchayat" means a panchayat established or deemed to have been established under the Panchayats Act ;

(d) "the Panchayats Act" means the Bombay Village Panchayats Act, 1958 (Bom. III of 1958).

3. **Temporary postponement of certain elections to Panchayats and extension of term of office of members and Administrators thereof.**—Notwithstanding anything contained in the Panchayats Act or any rules or bye-laws made thereunder,—

(a) during the period from the date of commencement of this Act upto, and inclusive of, the 31st day of May 1990 or such earlier date as the State Government may, by notification in the Official Gazette, specify (hereinafter in this Act referred to as "the said period"), no general election to a panchayat, and no by-election to fill any casual vacancy in any panchayat, excepting the election of such panchayats, the dates for various stages of which have been fixed by the Collector, Tahsildar or any other officers, shall be held ;

(b) the term of office (including any extended term of office) of the members (whether elected or appointed) of any panchayat, or of the Administrator or Administrators of any panchayat, who were in office on the day immediately preceding the date of commencement of this Act (whether their term has expired before or will expire on or after the said date at any time during the said period), shall be deemed to have been extended or to be extended as the case may be, and every such member or Administrator shall continue to hold office during the said period :

Provided that, after the expiry of the term of office of the members or the Administrators as so extended by this section, they shall continue in office until the first meeting of the re-constituted panchayat; at which a quorum is present.

4. **Powers of members and Administrators, whose term of office stands extended and validation of certain Acts.**—All members of panchayats, and all Administrators of panchayats, whose term of office is deemed to have been extended or is extended, as the case may be, under the last preceding section, shall throughout the extended period also (whether before or after commencement of this Act), be deemed to have been and be competent to exercise all powers and to perform all duties and functions as such members or Adminis-

trators as the case may be and an act done by any such member or Administrator before or during the said period shall be deemed invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was not otherwise duly extended, or that during the extended period the panchayat, member or Administrator could not exercise all powers and perform all duties and functions of the panchayat, member or Administrator, as the case may be.

5. Arrangements to be made to reconstitute new Panchayats, at expiry of extended term of existing Panchayats, members and Administrators.—Notwithstanding anything contained in this Act, after a date (being a date before the expiry of said period) to be notified by the State Government in the Official Gazette, arrangements shall be made by the Collectors and other officers concerned to constitute new panchayats in accordance with the provisions of the Panchayats Act and rules and bye-laws made thereunder, before or as soon as possible after the expiration of the term of office of the existing panchayats, members and Administrators, which stands extended under this Act.

6. Application of Bom. III of 1959.—Except as otherwise provided by or under this Act, the provisions of the Panchayats Act shall in all other respects apply to the panchayats concerned.

7. Removal of difficulties.—If any difficulty arises in given effect to the provisions of this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

8. Repeal of Mah. Ord. VI of 1989 and saving.—(1) The Maharashtra Village Panchayats (Temporary Postponement of certain Elections due to flood conditions in the State) Ordinance, 1989 (Mah. Ord. VI of 1989), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

THE BOMBAY METROPOLITAN REGION DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 30th October, 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 2nd November, 1989.

MAHARASHTRA ACT NO. XXXIX OF 1989

An Act further to amend the Bombay Metropolitan Region Development Authority Act, 1974.

Whereas it is expedient further to amend the Bombay Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975), for the purposes hereinafter appearing; It is hereby enacted in the Fortieth Year of the Republic of India, as follows :—

1. Short title.—This Act may be called the Bombay Metropolitan Region Development Authority (Amendment) Act, 1989.

2. **Amendment of section 4A of Mah. IV of 1975**—In section 4A of the Bombay Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975) (hereinafter referred to as "the principal Act"), in sub-section (2), in clause (a) for the word "Authority," the following shall be substituted, namely:—

"Authority; and shall exercise such powers and perform such functions or duties as the Authority may, by a resolution passed in this behalf, direct, The Metropolitan Commissioner may, by general or special order, further direct that such of the powers or functions or duties delegated to him as aforesaid or under sub-section (5) of section 7 shall be exercised or performed by such of the officers of the Authority, as may be specified in such order."

3. **Amendment of section 7 of Mah. IV of 1974**—In section 7 of the principal Act,—

(a) in sub-section (3), after clause (vi) the following clause shall be added, namely:—

"(vii) the powers (except the power to make regulations) delegated or the functions or duties imposed; from time to time, on the Executive Committee by the Authority;" ;

(b) after sub-section (4), the following sub-section shall be added, namely:—

"(5) the Executive Committee may, from time to time, by a resolution passed in this behalf, direct that any power and any function or duty which is conferred or imposed on it, by or under the provisions of this Act, shall be exercised or performed by the Metropolitan Commissioner."

4. **Amendment of section 7A of Mah. IV of 1975**—In section 7A of the principal Act, for the words "the Financial Adviser" the words "the Secretary of the Executive Committee" shall be substituted.

5. **Amendment of section 11 of Mah. IV of 1975**.—In section 11 of the principal Act, sub-section (1A) shall be deleted.

6. **Amendment of section 13 of Mah. IV of 1975**.—In section 13 of the principal Act, in sub-section (3), for the portion beginning with the words "If such permission" and ending with the words "by the Authority," the following shall be substituted, namely:—

"If the Authority fails to communicate its decision to grant or refuse permission to the applicant within sixty days from the date of receipt of his application, or within sixty days from the date of receipt of compliance of requisit on, if any, made by the Secretary of the Executive Committee or any officer authorised by him, whichever is later, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of such sixty days, but subject to the provisions of the Regional Plan or the Regulations or the Development Control Rules, if any, applicable for the time being to such development."

7. **Amendment of section 23 of Mah. IV of 1975**.—In section 23 of the principal Act, in sub-sections (1) and (2), for the words "The Financial Adviser" the words "The Member-Secretary" shall be substituted.

8. **Amendment of section 46C of Mah. IV of 1975**.—After section 46B of the principal Act, the following section shall be inserted, namely:—

"46C. **Power to delegate**—The Authority may, by resolution, delegate, from time to time, any power (except the power to make resolutions) exercisable by it or any function to be discharged or any duty to be performed by it,

by or under this Act to the Metropolitan Commissioner or the Executive Committee subject to such terms and conditions as may be specified in such resolution."

THE BOMBAY UNIVERSITY (TEMPORARY POSTPONEMENT OF ELECTION OF UNIVERSITY REPRESENTATIVES) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 21st October, 1989, was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 3rd November, 1989.

MAHARASHTRA ACT NO. XL OF 1989.

An Act to provide for temporary postponement of election of the university representatives on the students' council of the University of Bombay.

Whereas section 34 of the Bombay University Act, 1974 (Mah. XXII of 1974), provides for the constitution of the students' council consisting, *inter alia* of the university representatives who are elected by the class representatives;

And whereas the process of election to elect university representatives had started and the class representatives were to elect them on 7th October, 1989;

And whereas unfortunately the election fever had led to violent incidents leading to gruesome murder of a student and the atmosphere was no longer congenial to hold these elections;

And whereas University of Bombay had reported that the situation was dangerous and it was not therefore advisable to hold these elections;

And whereas the Government, therefore, considered it expedient to temporarily postpone the elections of the university representatives;

And whereas both Houses of the State Legislature were not in sessions;

And whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law to provide for the temporary postponement of the election of the university representatives on the students' councils of the University of Bombay; and, therefore, promulgated the Bombay University (Temporary Postponement of Election of University Representatives) Ordinance, 1989 (Mah. Ord. VIII of 1989), on the 6th October, 1989;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Fortieth Year of the Republic of India as follow:—

1. Short title and commencement.—(1) This Act may be called the **Bombay University (Temporary Postponement of election of University Representatives) Act, 1989.**

(2) It shall be deemed to have come into force on the 6th October, 1989.

2. Temporary postponement of election of University representatives on the students' council of University of Bombay.—Notwithstanding anything contained in the Bombay University Act, 1974 (Mah. XXII of 1974), (hereinafter referred to as "the Bombay University Act"), or any statutes made thereunder, during the period from the date of commencement of this Act

upto, and inclusive of, 31st day of December, 1989 or such earlier date as the State Government may, on the recommendation of the University, by notification in the Official Gazette, specify (hereinafter in this Act referred to as "the said period"), no election of university representatives on the students' council of the University of Bombay shall be held.

3. **Consequences of temporary postponement of election of university representatives.**—Notwithstanding anything contained in the Bombay University Act or in the statutes made thereunder, no act or proceeding of the Senate during the said period shall be invalid merely on the ground that any or all members referred to in sub-clause (vi) of clause (B) of sub-section (1) of section 20 are not on the Senate.

4. **Repeal of Mah. Ord. VIII of 1989 and saving.**—(1) The Bombay University (Temporary Postponement of Election of University Representatives) Ordinance, 1989 (Mah. Ord. VIII of 1989), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE MAHARASHTRA AGRICULTURAL UNIVERSITIES (KRISHI VIDYAPEETHS) (AMENDMENT) ACT, 1989

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 21st October, 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 4th November, 1989.

MAHARASHTRA ACT NO. XLI OF 1989

An Act further to amend the Maharashtra Universities (Krishi Vidyapeeths) Act, 1983.

Whereas, it is expedient further to amend the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983, for the purposes hereinafter appearing ;

It is hereby enacted in the Fortieth Year of the Republic of India, as follows :—

1. **Short title.**—This Act may be called the Maharashtra Agricultural Universities (Krishi Vidyapeeths) (Amendment) Act, 1989.

2. **Amendment of section 9 of Maharashtra XLI of 1983.**—In section 9 of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 (Mah. XLI of 1983) (hereinafter referred to as "the principal Act"), the following proviso shall be added, namely :—

"Provided that, nothing in this section or section 40 shall apply to the Yashwantrao Chavan Maharashtra Open University established under section 3 of the Yashwantrao Chavan Maharashtra Open University Act, 1989 (Mah. XX of 1989), or any institution of higher learning or studies recognised by that University under clause (xxiii) of sub-section (1) of section 5 of that Act ; and that University shall be competent to award any degrees, diplomas, certificates or other academic distinctions in Agriculture, Veterinary Science and Fisheries."

3. **Amendment of section 17 of Mah. XLI of 1983.**—In section 17 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely :—

"(4) The Vice-Chancellor shall ordinarily hold office for a term of three years from the date on which he enters upon his office and shall, on expira-

tion of his term of office, be eligible for re-appointment to that office only for a second term.

The Chancellor may, by order,—

(a) direct that notwithstanding the expiration of his term, the Vice-Chancellor may continue to hold office ; or

(b) nominate a Director or a Dean of the University or of any other Agricultural University in the State or any other person to hold the office of the Vice-Chancellor for such term not exceeding six months in the aggregate, as he may specify from time to time in his order :

Provided that, the Vice-Chancellor, so continuing, or the Director, Dean or other person so nominated to hold office of the Vice-Chancellor, shall cease to hold such office on the date on which the person appointed as Vice-Chancellor in accordance with the provisions of sub-section (1) enters upon his office.

(4A) No person shall hold, or continue to hold, the office of Vice-Chancellor after he attains the age of sixty-five years.

(4B) For the removal of doubt, it is hereby declared that, notwithstanding anything contained in this Act or the terms of any contract of service or the term of office of any person who, on the date of commencement of the Maharashtra Agricultural Universities (Krishi Vidyapeeths) (Amendment) 1989 (Mah. XLI of 1989), continues to hold the office of the Vice-Chancellor of any University,—

(a) after having completed three years or more in such office or attained the age of sixty-five years ; or

(b) complete three years in such office after the date of such commencement, shall cease to hold office on the date of such commencement or, as the case may be, on the date of completion of three years in such office, and accordingly such person shall be deemed to have vacated such office on the respective such date and such office shall be deemed to be vacant on such date."

THE MAHARASHTRA PROJECT AFFECTED PERSONS REHABILITATION ACT, 1986

The following Act of the Maharashtra Legislature, having been assented to by the President on the 30th September, 1989 was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 23rd October, 1989.

MAHARASHTRA ACT NO. XXXII OF 1989.

An Act to consolidate and amend the law relating to the rehabilitation of persons affected by certain projects in the State of Maharashtra and for matters connected therewith or incidental thereto.

Whereas it is expedient to consolidate and amend the law relating to the rehabilitation of persons affected by certain projects in the State of Maharashtra and for matters connected therewith or incidental thereto : It is hereby enacted in the Thirty-seventh Year of the Republic of India as follows :—

CHAPTER I Preliminary

1. Short title, extent, commencement and application.—(1) This Act

may be called the Maharashtra Project Affected Persons Rehabilitation Act, 1986.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) (a) It shall apply to all irrigation projects of which the area of the affected zone exceeds 50 hectares, or the area of the benefited zone exceeds 200 hectares or a gaathan is affected.

(b) Where, in the opinion of the State Government, it is necessary and expedient in the public interest to apply it to any other project, the State Government may, by notification in the Official Gazette, declare that it shall apply in relation to such project as specified in the notification; and thereupon the provisions of this Act shall apply to such project.

(c) Notwithstanding anything contained in clauses (a) and (b), it shall not apply to a project which is an inter-State project.

2. **Definitions.**—In this Act, unless the context requires otherwise,—

(1) “affected zone”, in relation to a project, means the area declared under section 13 to constitute the area of the affected zone under that project;

(2) “affected person” means—

(a) “an occupant whose land in the affected zone (including land in the gaathan) is acquired under section 14 for the purposes of a project;

Explanation.—For the purposes of this sub-clause, where any agricultural land is recorded in the relevant village records in the name of one of the brothers as a Karta or Manager of a Hindu joint family then every brother (or son or sons of any deceased brother all together as one unit) who has a share in the land, whether his name is recorded in such village record or not, shall be treated as affected person;

(b) a person who is a tenant in actual possession of land under the relevant tenancy law in the affected zone at the time of acquisition of land;

(c) an occupant whose land in the benefited zone is acquired for construction, extension, improvement or development of canals and their banks under major or medium irrigation project or for establishment of a new gaathan for rehabilitation of persons from affected zone, and whose—

(i) residual cultivable holding is reduced to less than 1 hectare after acquisition; or

(ii) residual holding stands divided into fragments which are rendered unprofitable for cultivation; or

(iii) residual holding is rendered uncultivable;

Explanation.—For the purposes of this sub-clause the expression “occupant” includes a tenant in actual possession of land under the relevant tenancy law in the benefited zone at the time of agricultural of land;

(d) a person who is an agricultural labourer;

(e) a person, not being an occupant or a person referred to in sub-clauses (a), (b), (c) and (d), who for a continuous period of not less than 5 years immediately before the date of publication of the notification under section 4 of the Land Acquisition Act, 1894 (I of 1894), has been ordinarily residing

or carrying on any trade, occupation or calling or working for gain in a gaathan in the affected zone ;

(3) "agricultural labourer" means a person who does not hold any land in the affected zone but who earned his livelihood principally by manual labour on agricultural land immediately before the area comprising that land is declared to constitute an affected zone under section 13, and who has been deprived of earning his livelihood principally by manual labour on that land ;

(4) "agricultural land" includes land used or usable for horticulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, breeding of livestock, nursery, growing medicinal herbs or the grazing of cattle ; but does not include land used for cutting of wood only ;

(5) "benefited zone" in relation to a project, means the area declared under section 13 to constitute the area of the benefited zone under that project ;

(6) "Code" means the Maharashtra Land Revenue Code, 1956 ;

(7) "to cultivate" means to carry on any agricultural operation ; and the expression "cultivation" shall be construed accordingly ;

(8) "holding" means the total land held by a person as an occupant or tenant, or as both ;

(9) "land pool" means the lands referred to in sub-sections (1) and (4) of section 14 which may be available for rehabilitation of affected persons ;

(10) "project" means,—

(a) an irrigation project, that is to say, the construction, extension, improvement or development of any work for the supply of water for the purpose of irrigation ;

(b) a power project, that is to say, the construction, extension, improvement or development of any work for the production or supply of electricity or any work conducive to electrical development ;

(c) a public utility project, that is to say, any work of the construction, extension, improvement or development of public utility other than irrigation project and power project ; or

(d) any composite project of any of the two or more such projects ; and includes any work of construction, extension, improvement or development which is incidental or supplemental to the execution of a project ; and which results in rendering the holders or occupants of land, which may be used for such project, as affected persons and in respect of which a notification is issued under section 11 ;

(11) "project authority" means an officer in whom the overall control and superintendence of the execution of the project vest ; and includes an officer whom the State Government may, by a general or special order, designate to be a project authority ;

(12) "prescribed" means prescribed by rules made under this Act ;

(13) "revenue division" means a revenue area which forms a division under section 3 of the Code ;

(14) "rules" means rules made under this Act ;

(15) "Schedule" means the Schedule appended to this Act ;

(16) "Zilla Parishad" means a Zilla Parishad established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Man. V of

1962);

(17) words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the Code.

CHAPTER II

Chief Controlling Authority, Project Authority, their Powers and Duties

3. Chief Controlling authority in rehabilitation matters.—The chief controlling authority, in all matters connected with the rehabilitation of affected persons in a revenue division, shall, subject to the superintendence, direction and control of the State Government, vest in the Commissioner appointed under section 6 of the Code.

4. Duties and functions of chief controlling authority.—Subject to any general or special order of the State Government, it shall be the duty of the Commissioner,—

(a) to implement the rehabilitation programme within the framework of the policy of the State Government relating to the rehabilitation of affected persons in his division;

(b) to co-ordinate and supervise the work of rehabilitation of affected persons in his division;

(c) to ensure speedy rehabilitation of affected persons by requiring the Collector or the project authority concerned to undertake the work of rehabilitation simultaneously with the work of the project; and to report to him periodically the progress made in the matter of rehabilitation of affected persons and by rendering to them such guidance and assistance as the circumstances of the case may require;

(d) to prepare or cause to be prepared annual budget for providing funds for carrying out the rehabilitation of affected persons in his division;

(e) to disburse the grants, duly placed at his disposal for rehabilitation of affected persons, to such officers and authorities at such intervals according to their requirements as he may think fit, for carrying out the rehabilitation of affected persons; and

(f) to perform such other functions as the State Government may, from time to time, by an order in writing, entrust to him.

5. Duties and functions of Collector.—It shall be the duty of the Collector—

(a) to co-ordinate and supervise the work of rehabilitation of affected persons in his district;

(b) to ensure the speedy rehabilitation of affected persons, within the framework of the policy of the State Government relating to the rehabilitation of affected persons by requiring the project authorities and the subordinate officers posted to work on the project to attend to the work of rehabilitation as may be assigned to them from time to time.

(c) to perform such other functions as the State Government or the Commissioner may, from time to time, by an order in writing, entrust to him.

6. Duties and functions of project authority.—It shall be the duty of the project authority;—

(a) to carry out such work of providing the necessary civic amenities in a new *gaathan* or the extension of an existing *gaathan*, as the case may be,

PART VII

BIHAR ACTS, ORDINANCES & -NOTIFICATIONS

1990

Published in the Bihar Gazette, Extraordinary, dated August 9, 1989.

THE TANA BHAGAT RAIYATS' AGRICULTURAL LAND RESTORATION (AMENDMENT) ACT, 1989.

BIHAR ACT NO. 7 OF 1989.

An Act to amend the Tana Bhagat Raiyats' Agricultural Land Restoration Act, 1947.

Be it enacted by the Legislature of the State of Bihar in the Fortieth Year of the Republic of India as follow :—

1. **Short title.**—The Act may be called the **Tana Bhagat Raiyats' Agricultural Lands Restoration (Amendment) Act, 1989**.

2. **Amendment of section 4 of the Bihar Act 2 of 1948.**—In the proviso to sub-section (4) of section 4 of the Tana Bhagat Raiyats' Agricultural Lands Restoration Act, 1947 (Bihar Act 2 of 1948) for the figures and words "31st day of March 1988" the figures and words "31st day of December 1992" shall be substituted and shall be deemed always to have been substituted.

3. **Savings.**—Notwithstanding the expiry of the period of institution of the proceeding under sub-section (1) or sub-section (4) of section 4 of the Tana Bhagat Raiyats' Agricultural Land Restoration Act, 1947 (Bihar Act 2 of 1941), the investigation, Legal proceeding or order made thereunder shall be deemed to be instituted, continued or enforced as if the said period has not expired.

Published in the Bihar Gazette Extraordinar, dated August 10, 1989.

THE BIHAR FINANCE (AMENDMENT) ACT, 1989

BIHAR ACT 10 OF 1989.

An Act to amend the Bihar Finance Act, 1981

Be it enacted by the Legislature of the State of Bihar in the Fortieth year of the Republic of India :—

1. **Short title and commencement.**—(1) This Act may be called the **Bihar Finance (Amendment) Act, 1989**.

(1) It shall come into force at once.

2. **Amendment of section 3 of Bihar Act 5 of 1981**—In the explanation to sub-section (1) of section 3 of the Bihar Finance Act, 1981 (Bihar Act 5,

1981) (hereinafter referred to as the said Act), after clause (v) the following new clauses shall be added, namely :—

“(vi) in relation to any goods to be specified in a notification published for the purpose by the Government under this clause—Nil ;

(vii) in relation to any dealer selling or purchasing goods in an area to be specified by the Government in a notification published for this purpose under this clause—Nil ;”

3. Amendment of section 21 of Bihar Act 5 of 1981.—After sub-section (1) of section 21 the following new sub-section shall be inserted, namely :—

“(1A) Where any dealer claims that he is not liable to pay tax on any part of his gross turnover in respect of any goods by reason of transfer of such goods by him to any other dealer or to his agent or principal, as the case may be, for sale, the burden of proving this claim shall be on the dealer and for this purpose along with other evidences he shall furnish before the prescribed authority a declaration in the forms and in the manner prescribed.”

4. Amendment of section 25A of Bihar Act 5 of 1981.—After sub-section (5) of said section the following new sub-section shall be added, namely :—

“(6) The provisions of section 27 for recovery of any amount of tax due from a dealer shall, *mutatis mutandis*, apply for recovery of any amount of tax deducted and/or any penalty imposed but not deposited under this section.”

5. Insertion of new section after section 25A of Bihar Act 5 of 1981.—After section 25A of said Act a new section shall be inserted as follows :—

“25-B. Deduction of tax at source in respect of sales to Government.—

(1) Any person responsible for paying sale price or any amount purporting to be the full or part payment of sale price in respect of sales or supplies of taxable goods made to the State Government or to a Company, Corporation, Board, authority, undertaking or any other body owned, financed or controlled wholly by the State Government shall at the time of payment deduct an amount of sales tax on the amount of such payment :

Provided that the Government may, by notification, exempt any sales or description of sales or a dealer or class of dealers from the deduction of tax under this section.

(2) Notwithstanding anything contained in the Act, the deduction referred to in sub-section (1) shall be made in respect of every sale.

(3) The person making such deduction notwithstanding any law or contract to the contrary, shall be lawfully competent to make such deduction.

(4) Payment of the amount deducted under sub-section (1) into the Government Treasury in the prescribed manner, shall be the liability of the person making such deduction.

(5) Payment of the amount deducted under sub-section (4) into the Government Treasury by the person making the deduction shall be deemed to be a payment by or on behalf of the seller or supplier concerned.

(6) If any person contravenes any or all of the provisions of sub-sections (1), (2) or (4), he shall be liable to pay as penalty a sum not exceeding twice the amount of tax deductible under sub-section (1) :

Provided that such penalty shall not be imposed unless the person contravening the provisions is given an opportunity of being heard by the prescribed authority.

(7) The provisions of section 27 for recovery of any amount of tax due from a dealer shall, *mutatis mutandis*, apply for recovery of any amount of tax deducted and/or any penalty imposed but deposited under this section.

Explanation.—A 'person' in this section includes all officers or authorities who are competent or authorised to make payment of the sale-price in respect of sales to State Government or to a Company, Corporation, Board, authority, undertaking or any other body owned, financed or controlled wholly by the State Government."

6. Amendment of section 31 of Bihar Act 5 of 1981.—In the title of section 31 of the said Act—

(i) for the words "Furnishing of information by clearing and forwarding agents, etc." the words "Furnishing of information by clearing and forwarding agents and seizure of goods carrier, etc." shall be inserted."

(ii) after sub-section (2-a) a new sub-section (2-b) shall be inserted, namely :—

"(2-b) Prescribed authority may in order to verify that the transportation of goods is being made according to sub-section (2-a) intercept, detain a carrier or vehicle and may search and if the said officer is satisfied on such verification that the transportation of goods is being made in contravention of the provisions of sub-section (2-a) in a manner likely to deprive of the taxes payable he may, notwithstanding anything contained in this part, seize the goods or carrier or the vehicle with the goods and impound the documents."

(iii) in sub-section (3-a) after the words "or bill or challan" the words "and the prescribed declaration by the commissioner under sub-section (2-a)" shall be inserted.

(b) for colon after the word "whichever is greater" fullstop shall be substituted and the proviso shall be omitted."

(iv) after sub-section (3) the following new sub-section shall be added, namely :—

"(4) In cases where goods or carrier or vehicle with goods thereon are seized under sub-section (2-b) and penalty is imposed under sub-section (3) the provisions of sub-sections (3), (5), (6) and (7) of section 33 shall *mutatis mutandis*, apply."

7. Amendment of section 46 of Bihar Act 5 of 1981.—In the said Act in section 46 clause (b) of sub-section (4) shall be deleted.

8. Repeal and Savings.—(1) The Bihar Finance (Amendment) Ordinance, 1989 (Bihar Ordinance No. 14, 1989) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in the exercise of the powers under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Published in the Bihar Gazette, Extraordinary, dated 9th August, 1989.

THE ANUGRAH NARAYAN SINHA INSTITUTE OF SOCIAL
STUDIES (AMENDMENT) ACT, 1989
BIRAR ACT 6 OF 1989

An Act to amend the Anugrah Narayan Sinha Institute of Social Studies Act, 1964.

Be it enacted by the Legislature of the State of Bihar in the Fortieth year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Anugrah Narayan Sinha Institute of Social Studies (Amendment) Act, 1989.

(2) It shall come into force at once.

2. **Amendment of section 5 of the Bihar Act 12 of 1964.**—(1) For sub-section (1) of section 5 of the Anugrah Narayan Sinha Institute of Social Studies Act, 1964 (Bihar Act 12 of 1964) hereinafter called the Act, the following shall be substituted, namely :—

“(1) There shall be Board of Control consisting of the following members, namely :—

(a) To be nominated by the State Government—*Chairman*.

(b) Vice-Chancellor of the Patna University established under the Patna University Act, 1961 (Bihar Act III of 1962) —*ex officio*.

(c) One Vice-Chancellor from amongst the universities other than Patna of the State of Bihar, to be nominated by the State Government in rotation in alphabetical order as per names of universities.

(d) Two representatives of the Indian Council of Social Sciences Research, New Delhi to be nominated by the Chairman of the Council.

(e) One representative of the University Grants Commission to be nominated by the Chairman of the Commission.

(f) Director of the Institute—*ex officio Member-Secretary*.

(g) Two persons of eminence nominated by the State Government in consultation with the Chairman.

(h) One faculty representative not below the rank of Professor to be nominated by the State Government in rotation from amongst the professors in alphabetical order of their names.

(i) Secretary to the State Government in the Department of Human Resource Development—*ex-officio*.

(j) Secretary to the State Government in the Department of Finance—*ex-officio*.”

(2) For sub section (2), the following shall be substituted, namely :—

“(2) The term of office of members, nominated under clause (a), (c), (d), (e), (g) and (h) of sub-section (1) shall be for a period of two years from the date of notification and shall be eligible for re-nomination for another term of two years only.”

(3) In sub-section (5) after the words “Three months”, the words “The Vice-Chancellor may nominate the representative, not below the rank of a Professor, to attend such meeting” shall be added.

3. **Amendment of section 7 of Bihar Act 12 of 1964.**—(1) For sub-section (5) of section 7 of the said Act, the following shall be substituted, namely :—

“(5) No person shall be eligible to hold the post of Director unless he is a person who has attained a place of eminence in the field of social science.”

(2) For sub-section (6), the following shall be substituted, namely :—

“(6) The pay of the Director shall be equivalent to that of the Vice-Chancellor of a University established under the Act of the Legislature of the State of Bihar, and other terms and conditions of his appointment shall be determined by the Board of Control.”

4. **Addition of new section in Bihar Act 12 of 1964.**—After section 7-A, the following new sections shall be added, namely :—

PART IX

West Bengal Acts & Ordinances

1990

Published in the Calcutta Gazette, Extraordinary, dated August 14, 1989.
**THE WEST BENGAL STATE TAX ON PROFESSIONS, TRADES,
CALLINGS AND EMPLOYMENTS (AMENDMENT) ORDINANCE, 1989**
WEST BENGAL ORDINANCE NO. VII OF 1989

1. Short title and commencement.—(1) This Ordinance may be called the West Bengal State Tax on Professions, Trades, Callings and Employments (Amendment) Ordinance, 1989.

(2) It shall come into force at once.

2. Amendment of Section 15.—In Section 15 of the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979 (Hereinafter referred as the Principal Act),

(1) In Sub-Section (1).

(a) for the word “employer” wherever it occurs, the words “employer or enrolled person” shall be substituted ;

(b) For the word “returns” the words “returns or such Statements as may be prescribed” shall be substituted ;

3. After Section 17 of the principal Act, the following section shall be inserted :—

17A. Determination of tax payable by enrolled persons.—(1) Where the prescribed authority has, upon information received, reasons to believe that any enrolled person falling under one or the other of the classes mentioned in the second column against serial Nos. 2, 3, 5 and 8 of the Schedule has paid tax for any year at a rate lower than what is payable by such person under this Act, it may, after giving such person a reasonable opportunity of being heard, determine in the prescribed manner the amount of tax payable by him.

(2) The amount of tax determined under sub-section (1) less the sum, if any, already paid in respect of such years, shall be paid by such person on demand by the prescribed authority in the prescribed manner.”

4. Amendment of the Schedule.—In the Schedule to the principal Act for serial No. 2 and the entries relating thereto the following serial No. and the entries shall be substituted with effect from the first day of April, 1989 :—

“2. (a) Legal practitioners including Solicitors and notaries Public
Where the annual gross income of the person mentioned above is—

(i) Rs. 6,000/- or less

--- Nil

(ii) Rs. 6,001 or more, but less
than Rs. 9,001

--- 24 per annum

(iii) Rs. 9,001 or more, but less than Rs. 12,001/-	...	48 per annum.
(iv) Rs. 12,001 or more, but less than Rs. 15,001	---	84 per annum.
(v) Rs. 15,001 or more but less than Rs. 18,001	...	144 per annum.
(vi) Rs. 18,001 or more but less than Rs. 24,001	...	216 per annum.
(vii) Rs. 24,001 or more, but less than Rs. 36,001	...	300 per annum.
(viii) Rs. 36,001 or more, but less than Rs. 60,001	...	360 per annum.
(ix) Rs. 60,001 or more, but less than Rs. 96,001	...	480 per annum.
(x) Rs. 96,001 and above	...	900 per annum.

Published in the Calcutta Gazette, Extraordinary, Part III, No. 408, dated 12th July, 1989.

THE BENGAL AGRICULTURAL INCOME TAX (AMENDMENT) ACT, 1989

WEST BENGAL ACT XVIII OF 1989

An Act to amend the Bengal Agricultural Income-tax Act, 1944.

Whereas it is expedient to amend the Bengal Agricultural Income-tax Act, 1944, (Bengal Act IV of 1944), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Fortieth Year of Republic of India by the Legislature of West Bengal as follows :—

1. **Short title and commencement.**—(1) This Act may be called the **Bengal Agricultural Income-tax (Amendment) Act, 1989.**

(2) It shall be deemed to have come into force on the Bengal Agricultural Income-tax (Amendment) Ordinance, 1989 (West Bengal Ordinance I of 1989), ceasing to operate.

2. **Amendment of section 2 of Bengal Act IV of 1944**—In section 2 of the Bengal Agricultural Income-tax Act, 1944 (hereinafter referred to as the principal Act),—

(a) in item (B) of clause (ii) of the proviso to sub-clause (c) of clause (1), for the words, letter, figures and brackets “under the proviso to sub-clause (c) of clause (1) of section 2 of the Income-tax Act, 1961 ;”, the words “under the enactments relating to Indian income-tax” shall be substituted ;

(b) in sub-clause (c) of clause (II), for the words and figures “income chargeable under the Income-tax Act, 1961, under the head “Business””, the words “income chargeable under the head of income “Business” or “Profits and gains of business or profession”, as the case may be, under the enactments relating to Indian income-tax,” shall be substituted ;

(c) in sub-clause (a) of clause (17), for the words and figures “the Income-tax Act, 1961,” the words “the enactments relating to Indian income-tax, shall be substituted.

Amendment of section 8.—In section 8 of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures “income chargeable under the Income-tax Act, 1961, under the head “Business””, the words “income chargeable under

the head of income "Business" or "Profits and gains of business or profession", as the case may be, under the enactments relating to Indian income-tax, shall be substituted ;

(ii) in the proviso,—

(A) in clause (a), for the words and figures "the Income-tax Act, 1961," the words "the enactments relating to Indian income-tax," shall be substituted, and

(B) in clause (b) —

(1) for the words and figures "the Income-tax, 1961," wherever they occur, the words "the enactments relating to Indian income-tax," shall be substituted, and

(2) for the words "permissible under that Act," the words "permissible under those enactments" shall be substituted, and

(3) for the words "determined under that Act," the words "determined under those enactments," shall be substituted ;

(b) after sub-section (1), the following sub-section shall be inserted, and shall be deemed always to have been inserted, namely :—

"(1A) Notwithstanding anything contained in this Act, in the case of tea [the plant *Camellia Thea* (Linn.)] grown in West Bengal and sold by the grower himself or his agent after manufacture, the agricultural income derived therefrom shall, as long as for the purposes of assessment of income-tax under the enactments relating to Indian income-tax, the income derived therefrom is computed under those enactments in such manner as to include agricultural income, be deemed to be that portion of such income as so computed on which income-tax is not payable under those enactments, and agricultural income-tax at the rates specified in the Schedule shall be payable on the whole of such agricultural income as so computed:

Explanation —Where such income is derived from lands partially in and partially without West Bengal, agricultural income-tax shall be levied under this Act on such portion of that income as is attributable to lands in West Bengal according to the following principles, namely :—

(i) where the proportion of such income attributable to lands in West Bengal has been determined for the purposes of the enactments relating to Indian income-tax, such apportionment shall, for the purposes of this sub-section, be accepted as determining the proportion of such income attributable to lands in West Bengal ;

(ii) where the proportion of such income attributable to lands in West Bengal cannot be determined by the method specified in clause (i) of this *Explanation*, such proportion shall be determined in such manner as may be prescribed ;

(c) after sub-section (1A), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 18th day of October, 1979 :—

"(1B) Where the computation of the income derived from tea has not been completed for the purposes of assessment of income-tax under the enactments relating to Indian Income-tax, or where such computation has been completed but the assessment under the enactments relating to Indian Income-tax has been annulled or set aside under those enactments and no order of assessment under section 25 has been made within six years from the end of

the year in which the agricultural income was first assessable, the Agricultural Income-tax Officer shall, notwithstanding anything to the contrary contained in this Act, assess the agricultural income derived from tea in such manner and within such period as may be prescribed and shall determine the sum payable by the assessee on the basis of such assessment :

Provided that the Agricultural Income-tax Officer may, of his own motion, and shall, on an application made within one year from the date of assessment under the enactments relating to Indian income-tax and accompanied by a certified copy of the order, modify the assessment under this sub-section :

Provided further, that the Agricultural Income-tax Officer shall not, of his own motion, modify such assessment without giving the assessee a reasonable opportunity of being heard :

Provided also that no order of modification of assessment shall be made after the expiry of six years from the end of the year in which the agricultural income was first assessed under this sub-section.":

(d) in sub-section (3),—

(i) for the words and figures "the Income-tax Act, 1961," the words "the enactments relating to Indian income-tax," shall be substituted, and

(ii) for the words "that Act", the words "those enactments" shall be substituted.

4. Amendment of section 11.—In section 11 of the principal Act, for the words and figures "relief from Indian income-tax under the provisions of the Income-tax Act, 1961," the words "relief in respect of income-tax chargeable under the provisions of the enactments relating to Indian income-tax," shall be substituted.

5. Amendment of section 24.—In sub-section (4) of section 24 of the principal Act, in the first proviso, for the words and figures "the Income tax Act, 1961," the words "the enactments relating to Indian income tax : " shall be substituted.

6. Amendment of section 25 —In section 25 of the principal Act,—

(a) after sub-section (3), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1980, namely :—

"(3A) The powers conferred by sub-section (4) of Section 24 and sub-section (3) of this section shall not, except with the permission of the Commissioner, be exercised by the Agricultural Income-tax Officer in the case of agricultural income which is assessed under the provisions of sub-section (1A) of section 8 and regarding which an assessee has submitted, together with his return under section 24, a certified copy of an assessment order under the enactments relating to Indian income-tax.":

(b) in sub-section (5), for the words and figures "the Income-tax Act, 1961," the words "the enactments relating to Indian income-tax", shall be substituted.

7. Amendment of section 38.—In section 38 of the principal Act,—

(a) in sub-section (1), for the words and figures "income chargeable under the Income-tax Act, 1961, under the head 'Business'", the words income chargeable under the head of income 'Business' or 'Profits and gains of business or profession', as the case may be, under the enactments relating

to Indian income-tax shall be substituted ;

(b) in *Explanation 1*, for the words and figures "the Income-tax Act, 1961", the words "the enactments relating to Indian income-tax" shall be substituted.

8. Amendment of section 38-A.—In section 38A of the principal Act, for the words and figures "the Income-tax Act, 1961", wherever they occur, the words "the enactments relating to Indian income-tax" shall be substituted.

9. Amendment of section 45-A.—In sub-section (2) of section 45-A of the principal Act, for the words and figures "income chargeable under the head "Salaries" under the Income-tax Act, 1961", the words "income chargeable under the head of income "Salaries" under the enactments relating to Indian income-tax," shall be substituted.

10. Amendment of section 48.—In sub-section (5) of section 48 of the principal Act,—

(a) in clause (a),—

(i) for the words and figures "the Income-tax Act, 1961", the words "the enactments relating to Indian income-tax," shall be substituted, and

(ii) for the words "that Act", wherever they occur, the words "those enactments" shall be substituted ;

(b) in the *Explanation*, for the words and figures "the Income-tax Act, 1961", the words "the enactments relating to Indian Income-tax," shall be substituted.

11 Amendment of the Schedule.—In the Schedule to the principal Act, for paragraph B, the following paragraph shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1989 :—

"B. In the case of every domestic company, firm or other association of persons,—

(a) In a case where the total agricultural income does not exceed one lakh rupees. Sixty-five paise in the rupee.

(b) In a case where the total agricultural income exceeds one lakh rupees. Seventy-five paise in the rupee."

12. *Saving*.—Upon the Bengal Agricultural Income-tax (Amendment) Ordinance, 1989 (West Ben. Ord. I of 1989), ceasing to operate, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under principal Act as amended by this Act as if this Act had come into force on the 30th day of January, 1989.

Published in the Calcutta Gazette, Extraordinary, Part III, No. 188, dated 17th March, 1989.

THE WEST BENGAL SILKWORM SEED, COCOON AND SILK
YARN (REGULATION OF PRODUCTION, SUPPLY,
DISTRIBUTION AND SALE) ACT, 1988
WEST BENGAL ACT NO. XXV OF 1988

An Act to provide for the regulation of production, supply, distribution and sale of silkworm seed, cocoon and silk yarn in West Bengal.

Whereas it is expedient to provide for the regulation of production, supply, distribution and sale of silkworm seed, cocoon and silk yarn in West Bengal and for matters connected therewith ;

And Whereas previous sanction of the President under the proviso to clause (b) of article 304 of the Constitution of India has been obtained ;

It is hereby enacted in the Thirty ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the West Bengal Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1988.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification appoint, and different dates may be appointed for different provisions of this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “cocoon” means cocoon produced by mulberry silkworms, either green or stifled, dried or in any other state or condition but does not include pierced cocoons.

Explanation—“Pierced cocoon” shall mean a cocoon from which moth has been cut out ;

(b) “cocoon market” means a market established under section 12 for the sale or purchase of cocoons of all kinds intended for reeling, and includes a cocoon market yard and a cocoon store ;

(c) “cross-breed cocoon” means cocoon produced by cross-breeding of two different races of silkworms ;

(d) “dupion silk yarn” means silk yarn reeled out of double cocoons ;

(e) “Licensing Authority” means the Director of Sericulture, West Bengal, and includes such other officers as the State Government may, by notification, appoint for such areas and for such purposes as may be specified in the notification ;

(f) “Licensed Trader” means a person who is licensed to purchase silk yarn in a Silk Exchange ;

(g) “notification” means a notification published in the Official Gazette ;

(h) “prescribed” means prescribed by rules made under this Act ;

(i) “rearer” means a person engaged in rearing of silkworms for the production of silkworm cocoons, whether for reproduction or reeling.

Explanation.—“Rearing” shall include all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons ;

(j) “reeler” means a person engaged in reeling of silk-establishment and carrying on the business of reeling cocoons.

Explanation—(i) “Reeling establishment” shall mean an establishment where silk is reeled from cocoons with the help of any machine or contrivance of any kind worked by power or without power ;

(ii) "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency, and includes electrical energy ;

(k) "silk exchange" means a silk exchange, established under section 13, and includes a silk store ;

(j) "silkworm" means mulberry or *tasar* silkworm ;

(m) "silkworm seed" means silkworm cocoons of all kinds (except cross-breed cocoons) used for preparing seed, and includes moths, eggs and any silkworm of whatever description intended to be used or reared for purposes of reproduction ;

(n) "silk yarn" means silk reeled out of cocoons, and includes twisted silk yarn, duption silk yarn, spun silk yarn and noil silk yarn :

(o) "spun silk yarn" means silk yarn spun from pierced or spoilt cocoons, fluff from cocoons, pieces of silk noils or other silk waste ;

(p) "twisted silk yarn" means two or more silk yarns twisted together, and includes wraps ;

(q) "twister" means a person in charge of an establishment where twisted silk yarn is produced.

3. Regulation of production etc. of silkworm seed.—No person shall produce, prepare, store, transport, sell or otherwise distribute or dispose of silkworm seed, except under and in accordance with the terms and conditions of a licence granted under this Act.

4. Regulation of rearing.—(1) No person shall, for the production of silkworm cocoons, engage in the rearing of silkworms from silkworm seed other than silkworm seed obtained from a person who holds a licence granted under this Act.

(2) The State Government may, by notification, direct that in any specified area no silkworm other than silkworm of the specified race shall be reared and that such a silkworm shall be reared from silkworm seed obtained from the specified source. On the issue of such notification, no person shall rear in such specified area any other race of silkworm or obtain silkworm seed from any other source.

5. Regulation of possession of silkworm seed.—No person shall be in possession of silkworm seed unless—]

(a) he is a rearer ; or

(b) he holds a licence granted under this Act ; or

(c) he is authorised, in writing, by the prescribed officer to possess silkworm seed.

6. Regulation of possession of silk yarn.—No person shall be in possession of silk yarn in excess of the prescribed quantity unless he is—

(a) a reeler ; or

(b) a licensed trader ; or

(c) a twister ; or

(d) a weaver ; or

(e) authorised, in writing, by the prescribed officer.

7. Regulation of disposal of silkworm cocoon.—No rearer shall dispose of or agree to dispose of silkworm cocoons or, in pursuance of an agreement

entered into by him, make delivery of silkworm cocoons to any person other than a person holding a licence under this Act.

8 Regulation of sale or purchase of silkworm cocoons for reeling.—(1) In any area where a cocoon market is established under this Act,—

(a) no rearer shall sell or agree to sell, and

(b) no person shall purchase or agree to purchase, any silkworm cocoons except in such cocoon market and except in accordance with such conditions and in such manner as may be prescribed.

(2) After a cocoon market is established for any area, no person shall except in such cocoon market, use, or permit the use of, or assist in the use of, any building, room, tent, enclosure, vehicle, vessel or place in such area for the sale or purchase of silkworm cocoons or, in any manner, aid or abet the sale or purchase of silkworm cocoons.

9 Regulation of reeling—No person shall carry on the business of reeling silkworm cocoons unless he holds a licence granted under this Act.

10 Regulation of sale and purchase of silk yarn etc.—After the establishment of silk exchange,—

(a) no reeler or no reeler who is also a twister shall sell or agree to sell silk yarn reeled or, as the case may be, reeled and twisted by him;

(b) no person, whether a licensed trader or not, shall purchase or agree to purchase silk yarn from a reeler or from a reeler who is also a twister, except in a silk exchange and except in accordance with such conditions and in such manner as may be prescribed;

(c) no person shall, except in such silk exchange, use, or permit the use of, or assist in the use of, any building, room, tent, enclosure, vehicle, vessel or place for the sale, or for the purchase from a reeler, of silk yarn or, in any manner, aid or abet the sale or purchase of silk yarn.

11. Application for licence.—Every person who desires to obtain a licence under this Act shall make an application to the Licensing Authority in such form as may be prescribed.

12. Regulation and distribution of silkworm seed.—(1) The State Government may, from time to time, by notification,—

(a) specify the place at which a common market for the sale or purchase of cocoons of all kinds intended for reeling, shall be established;

(b) appoint for cocoon markets a Market Officer;

(c) constitute a Cocoon Market Committee consisting of such number of representatives of rearers, reelers and other persons as the State Government may think fit, for regulating generally the procedure for the conduct of business in the cocoon markets and for the performance of such functions as may be prescribed;

(d) specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;

(e) specify zones and markets in which any reeler may carry on his business.

(2) All transactions involving the sale or purchase of cocoons in a cocoon market shall be by open auction, the payment of the price shall be in cash and the cocoons shall be sold by metric weight.

PART XII

ORISSA ACTS, ORDINANCES & NOTIFICATIONS

1990

THE ORISSA ADVOCATES' WELFARE FUND (AMENDMENT) ACT, 1989

The following Act of the Orissa Legislature received the assent of the Governor on the 9th June, 1989 and was published in the Orissa Gazette, Extraordinary, dated 22nd June, 1989,

ORISSA ACT NO. 10 OF 1989

An Act to amend the Orissa Advocates' Welfare Fund Act, 1987.

Be it enacted by the Legislature of the State of Orissa in the Fortieth Year of the Republic of India, as follows :—

1. Short title.—This Act may be called the Orissa Advocates' Welfare Fund (Amendment) Act 1989.

2. Amendment of Section 4.—In Section 4 of the Orissa Advocates' Welfare Fund Act, (18 of 1987) (hereinafter referred to as the principal Act), in clause (vi) of sub-section (1), for the words "Treasurer, Bar Council", the words "Vice-Chairman, Bar Council" shall be substituted.

3. Amendment of section 23.—In Section 23 of the principal Act,—

(a) in sub-section (1), for the words "member of the Fund", the word "Advocate" shall be substituted ;

(b) in sub-section (4), for the words "by a member", the words "by an Advocate" shall be substituted.

THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1989

The following Act of the Orissa Legislature received the assent of the Governor and was published in the Orissa Gazette, Extraordinary, dated 15th July, 1989.

ORISSA ACT NO. 12 OF 1989

An Act further to amend the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

Be it enacted by the Legislature of the State of Orissa in the Fortieth Year of the Republic of India, as follows :—

1. Short title.—This Act may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1989.

2. Amendment of Section 2.—In the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, (7 of 1972) (hereinafter referred to as the principal Act), in Section 2, for clause (a), the following clause shall be substituted,

namely :—

(a) "Board" shall mean,—
(i) the Orissa State Electricity Board constituted under the Electricity (Supply) Act, (54 of 1948) ; or

(2) the Orissa State Housing Board constituted under the Orissa Housing Board Act (11 of 1968) ;"

3. Amendment of Section 4.—In the principal Act, in sub-section (2) of Section 4, in clause (b), for the words "Fifteen days", the words "Seven days" shall be substituted.

4. Amendment of Section 5.—In the principal Act, in sub-section (2) of Section 5,—

(i) for the words "Forty-five days", the words "Fifteen days" shall be substituted ; and

(ii) the proviso shall be omitted.

5. Amendment of Section 9.—In the principal Act, in Section 9,—

(i) for sub-section (1), the following sub-sections shall be substituted, namely :—

"(1) An appeal shall lie from every order of the Estate Officer made under Section 4-A, Section 5 or Section 7,—

(i) in respect of any public premises situated within Cuttack and Bhubaneswar Municipal area and owned by the General Administration Department of Government to the Director of Estates, Orissa ; and

(ii) in respect of any other public premises to the Collector within whose jurisdiction such premises are situate.

(1-A) All appeals filed under this section and pending before the Revenue Divisional Commissioner prior to the date of commencement of the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1989 shall, on the date of such commencement, stand transferred to the Director of Estates, Orissa or, as the case may be, the Collector within whose jurisdiction such premises are situate and shall be disposed of by him in accordance with the provisions contained in this section :

Provided that an appeal against the orders of the Director of Estates passed in the capacity of an Estate Officer under this Act which is so pending before a Revenue Divisional Commissioner shall be disposed of by such Revenue Divisional Commissioner".

(ii) in sub-section (2), for the words "thirty days", wherever they occur, the words "twelve days" shall be substituted.

THE ORISSA ELECTRIC SUPPLY-LINE MATERIAL (UNLAWFUL POSSESSION) ACT, 1988

The following Act of the Orissa Legislature received the assent of the Governor on the 13th June, 1989 and was published in the Orissa Gazette, Extraordinary dated 20th June, 1989.

ORISSA ACT NO. 11 OF 1989

An Act to provide for prevention of theft and unlawful possession of electric supply-line materials and matters connected therewith.

Be it enacted by the Legislature of the State of Orissa in the Thirty-ninth Year of the Republic of India, as follows :—

1. Short title and commencement.—(1) The Act may be called the Orissa Electric Supply-Line Material (Unlawful Possession) Act, 1988.

- (2) It extends to the whole of the State of Orissa.
- (3) It shall come into force at once.

2. **Definitions.**—In this Act unless the context otherwise requires,—

(a) "Authorised Officer" means an Officer of the Orissa Electricity Board not below the rank of a Superintending Engineer (Electrical) who has been authorised by the Government by notification issued in this behalf to exercise the powers of confiscation under this Act for a particular area ;

(b) "Board" means the Orissa State Electricity Board constituted by the Government under Section 5 of the Electricity (Supply) Act, (54 of 1948) ;

(c) "Electric Supply-Line Material" means,—

- (i) ACC (All Aluminium Conductor) ;
- (ii) ACSR (Steel Cored, Aluminium Conductor) 11 ;
- (iii) High Voltage Cable, K.V. and above ;
- (iv) Insulator, 11 K.V. and above ;
- (v) Lightning Arrester, 11 K.V. and above ;
- (vi) Support for Electric Supply-Line and part thereof ; or
- (vii) Transformer belonging to Government or Board ;

but shall not include—

- (1) PVC Cable (Service connection) ;
- (1) PVC Cable (Domestic wiring) ;

Every such material as included in Section 2(c) shall bear the mark of Orissa State Electricity Board in the prescribed manner.

(d) "Government" means the State Government of Orissa ;

(e) "Prescribed" means prescribed by Rules made under this Act ;
and

(f) Words and expressions used but not defined in this Act and defined in the Indian Electricity Act (9 of 1910), shall have the same meaning as assigned to them under this Act.

3. **Penalty for unlawful possession of electric supply-line material.**—

Whoever is found to have been in possession of any electric supply-line material reasonably suspected of having been stolen or unlawfully obtained or retained shall, unless he proves that he was in lawful possession of such materials, shall be punishable,—

(a) for the first offence, with imprisonment of either description for a term which may extend to three years and with fine and in the absence of special and adequate reasons to be recorded in the judgment of the Court, such imprisonment shall not be less than two years and such fine shall not be less than one thousand rupees ;

(b) for the second or subsequent offence with imprisonment of either description for a term which may extend to five years and also with fine and in the absence of special and adequate reasons to be mentioned in the judgment of the Court, such imprisonment shall not be less than three years and such fine shall not be less than two thousand rupees.

4. **Non-production of the material before Court.**—In any trial for an offence under Section 3 of this Act,—

(a) the burden of proof that the accused was in lawful possession of the electric supply-line material shall be on him ;

(b) it shall not be necessary to produce the seized materials in the Court for the purpose of identification. The production of the seizure list duly countersigned by the Authorised Officer of the area or the Investigating Officer, as the case may be, shall be conclusive proof of such identification.

5. Search of place suspected to contain electric supply-line material.—

(1) If any place including an enclosure tank, well, reservoir or any premises is suspected to be used for the deposit of stolen electric supply-line material, any officer of the Board, not below the rank of a Sub-divisional Officer (Electrical) with the written permission of the Authorised Officer may enter such place for the purpose of search and may take the assistance of such subordinates, assistants or other employees of the Board as may be considered reasonable and necessary for conducting the search and to make arrangements for guarding the place until arrangement is made for the seizure and removal of the electric supply-line material to some place of safety.

(2) All persons in possession or occupation of the place, premises, tank, reservoir or well, on disclosure of the identity of the officer conducting the search shall allow him free ingress thereto and afford all reasonable facilities for search therein.

(3) Before making a search under this section, the officer about to make it shall call upon one or more respectable persons of the locality in which the place is situate or of any other locality if no such inhabitant of the said locality is available or is willing to attend as witness to the search and the search shall be made in the presence of such witness.

(4) Any person obstructing the search conducted by an officer of the Board shall be punishable with imprisonment which may extend to six months and fine.

6. Seizure of electric supply-line materials.—When it is reasonably suspected that an offence under this Act has been committed in respect of electric supply-line material, such supply-line material together with all tools, ropes, chains and any vehicles, vessels or other modes of conveyance used for transport of such supply line material, may be seized by any officer of the Board, not below the rank of a Sub-Divisional Officer (Electrical)

(2) Every officer seizing any electric supply-line material or tools, chains vehicles or other modes of conveyance under sub-section (1) shall, within seventy-two hours from the time of seizure, produce the property seized before the Authorised Officer of the area. All officers of the Board including the Authorised Officer when they seize any electric supply-line material shall lodge information with the Police along with a copy, of the seizure list duly countersigned by the Authorised Officer without producing the seized material.

(3) Every Police Officer seizing electric supply-line material in connection with an offence suspected to have been committed under this Act shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) forward a copy of the seizure list to the Authorised Officer within seventy-two hours from the time of seizure and shall make over to the Authorised Officer the seized property including the tools, chains, ropes, vehicles vessels and other conveyances seized, for purpose of initiating confiscation proceeding under this Act.

(4) The seizure list prepared of the materials or the tools, chains,

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1990

Published in the Maharashtra Government Gazette, Part IV-Ba, dated November 23, 1989

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

No. MSEB. 1088/CR-985/NRG-2.—(*Mantralaya, Bombay 400 032, dated the 18th September, 1989*).—In exercise of the powers conferred by sub-section (1) and clauses (a) and (d) of sub-section (e) of section 12 of the Bombay Lifts Act, 1939 (Bom. X of 1939) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Lift Rules, 1958, the same having been previously published as required by sub-section (1) of the said section 12, namely :—

1. (1) These rules may be called the **Bombay Lifts (Amendment) Rules, 1989**.

(2) They shall come into force with effect from the 1st day of August 1989.

2. In rule 3 of the Bombay Lifts Rules, 1958 ("hereinafter referred to as the principal rules") in sub-rule (2), for the words and brackets "Electrical Engineer to Government" the words "Chief Engineer (Electrical)" shall be substituted.

3. In rule 4 of the principal rules, in sub-rule (2), for the words and brackets "Electrical Engineer to Government", the words, "Chief Engineer (Electrical)" shall be substituted.

4. In rule 6 of the principal rules, in clause (v) in the explanation, for the words "Inspector of Lifts", the words and brackets "Chief Engineer (Electrical)" shall be substituted.

5. In the Schedule appended to the principal rules—

(a) in clause 5, in sub-clause (i) to paragraph (ii), the following provision shall be added, namely :—

"Provided that, the requirement that the landing door for fire lifts should be power-operated, automatic closing and opening type, and the words "FIRE LIFT" shall conspicuously be displayed in radium paint on Lift Landing doors on each floor, may be relaxed by Government in case of goods cum-passenger lifts designed to operate at contract load of 1500 kilograms and above."

(b) in clause 7, in sub-clause (r) to paragraph (iii), the following proviso shall be added, namely :—

"Provided that the requirement in paragraph (iii), may be relaxed by Government in case of goods-cum-passenger lifts designed to operate at contract load of 1500 kilograms and above."

(c) in clause 21 to sub-clause (h) the following proviso shall be added, namely :—

"Provided that, this requirement may be relaxed by Government in case of goods-cum-passenger lifts designed to operate at contract load of 1500 kilograms and above."

6. In Form 'C' appended to the principal rules, for the words and brackets, "Electrical Engineer to Government" the words "Chief Engineer (Electrical)" shall be substituted.

Published in the Maharashtra Government Gazette, Part IV-Ba, dated November 23, 1989.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. SAKHAR-3489/2029/CR-4629/CS/D-XIX.—(*Mantralaya Annexe, Bombay 400 032, dated the 26th September, 1989*).—In exercise of the powers conferred by sub-section (1) and clauses (c), (d), (e), (g), (h), (i) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) and with the prior concurrence of the Central Government, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following order further to amend the Maharashtra Sugar Dealers Licensing Order, 1963, namely :—

1 (1) This Order may be called the Maharashtra Sugar Dealers Licensing (Fourth Amendment) Order, 1989.

(2) It shall come into force at once.

2. In clause 7-d of the Maharashtra Sugar Dealers Licensing Order, 1963,—

(a) in the proviso, for the words "shall sale it" the words "shall sell it" shall be substituted ; and

(b) after the proviso, the following proviso and Explanation shall be inserted, namely :—

"Provided further that the sale transaction between one wholesaler and another wholesaler located within municipal limits of the same city or urban area shall not be permitted and it shall be obligatory for every wholesaler to sell sugar to retailer. However, sale transaction by a wholesaler with another wholesaler located in other city or urban area shall be permitted if accompanied by physical delivery of stocks.

Explanation.—"Urban area" means any area which the State Government may, having regard to its location, population and such other relevant factors as the circumstances of the case may require, by notification, in the Official Gazette declare to be an "urban area."

Published in the Maharashtra Government Gazette, Part IV-Ba, dated November 23, 1989.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No SAVIVYA-1088/2550/CR/5316/XXVIII.—(*Mantralaya Annexe, Bombay 400 032, dated the 28th September, 1989*).—In pursuance of clause 10 of the Maharashtra Foodgrains Rationing (Second) Order, 1966, and of all other powers enabling it on this behalf, the Government of Maharashtra hereby makes the following Regulations further to amend the Maharashtra Foodgrains Rationing (Second) Regulations, 1966, namely :—

1. (1) These Regulations may be called the Maharashtra Foodgrains Rationing (Second Amendment) Regulations, 1989.

(2) They shall come into force at once.

2. In the Maharashtra Foodgrains Rationing (Second) Regulations, 1966 (hereinafter referred to as "the said regulations"), in regulation 18A, in clause (3),—

(a) in sub-clause (a), for the words "within twenty-four hours of the receipt of indent from the godowns", the following shall be substituted, namely :—

"on the same calendar day on which the indent is received by him from the godowns".

(b) to sub-clause (f), the following explanation shall be added, namely :—

"Explanation.—Any person accompanying the vehicle engaged by or on behalf of the authorised agent for transport or movement of rationed food-grains, including the driver, cleaner and *hamals*, shall be deemed to be the servants of the authorised agent, for the purposes of these regulations".

3. In Form VI appended to the said regulations, under the heading "RATION AUTHORITY", for the words "valid for one week from the date of issue", where they occur, the words "valid for two days from the date of issue" shall be substituted.

Published in the Gujarat Government Gazette, Part IV-B, dated 28th July, 1989.

No. GHN/40/89/APM/1885/1943/G (2).—(Dated 26th July, 1989).—Whereas the draft of a notification under section 59 read with section 34M of the Gujarat Agricultural Produce Markets Act, 1963 (Gujarat XX of 1964) was published as required by sub-section (4) of the said section 59 at page 73.1 to 73.2 of Gujarat Government Gazette, Extraordinary Part IV-B, dated 6th April, 1989, under Government Notification, Co-operation Department No. GHH-13/8/APM-1885/1943/G (2) dated 4th April, 1989 inviting objections and suggestions from all persons likely to be affected thereby till 30 days from the date of publication of the said Notification in the Gujarat Government Gazette.

And whereas objections or suggestions received have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 59, read with section 34M of the Gujarat Agricultural Produce Markets Act, 1963 (Guj. XX of 1964), Government of Gujarat hereby makes the following rules further to amend the Gujarat Agricultural Produce Markets Rules, 1965, namely :—

1. These rules may be called the Gujarat Agricultural Produce Markets (Amendment) Rules, 1989.

2. In the Gujarat Agricultural Produce Markets Rules, 1965, for rule 45A, the following rule shall be substituted, namely :—

"45A. Every market committee in the State shall pay to the Board 1/2 per cent of its gross income of the previous year ending as on 30th September, as the contribution to Development Fund before 31st December every year."

Published in the Gujarat Government Gazette, Part IV-B, dated 3rd October, 1989.

No. (CAH—46) GSR—1019 3rd October 1989.—Whereas the Govern-

ment of Gujarat is satisfied that circumstances exist which render it necessary to take immediate action to amend the Gujarat Sales Tax Rules, 1970, and to dispense with the previous publication thereof under the proviso to sub-section (4) of section 86 of the Gujarat Sales Tax Act, 1969 (Gujarat 1 of 1970);

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) read with the proviso to sub-section (4) of section 86 of the said Act, the Government of Gujarat hereby makes the following rules further to amend the Gujarat Sales Tax Rules, 1970, namely :—

1. These rules may be called the Gujarat Sales Tax (Amendment) Rules, 1989.

2. In the Gujarat Sales Tax Rules, 1970, (hereinafter referred to as "the said rules") after the rule 21-C the following shall be inserted, namely :—

"21-B. Declaration under section 60-A of the Gujarat Sales Tax Act, 1969,

(1) A declaration under section 60-A shall be made in Form 15-A and shall be sent to the registering authority.

(2) Where such declaration is to be made it shall be made :—

(a) In case of a dealer already registered under the Act on or before the 30th June, 1989 ;

(b) in case of a dealer applying for registration, alongwith the application for registration ;

(c) in the case of a dealer in the particulars of the declaration, if there is any change a revised declaration shall be sent to registering authority within ten days from the date on which the changes are effected.

(3) The dealer shall file separate declaration for each place of business.

3. In the said rules, in rule 25, in the table, in Part-A specified in column 1 per entry 2 in the columns 1 to 5 the following shall be substituted, namely :—

1	2	3	4	5
"2(a)	A registered dealer whose turnover of sales or of purchases of all places of business has in the previous year not exceeded Rs. 5 lakhs and the aggregate of the taxes payable for all the places of his business in the previous year under the Gujarat Sales Tax Act, 1989 and the Central Sales Tax Act, 1956 does not exceed Rs. 10,000/-.	(a) Annual return in Form 28-A	(a) Year	(a) Within sixty days from the end of the year.
(b)	A registered dealer whose turnover of sales or of purchases of all the	(a) Quarterly declaration in	(a) Quarter, and	(a) Within one month and fifteen days

1	2	3	4	5
	places of his business has in the previous year not exceeded Rs. 5 lakhs & the aggregate of the taxes payable for all places of business in the previous year under the Gujarat Sales Tax Act, 1969 and the Central Sales Tax Act, 1956, is more than Rs. 10,000/-.	Form 28. (b) Annual return in Form 28-A.	(b) year	from the end of the quarter, and (b) Within sixty days from the end of year."

4. In the said rules, after Form 15, the following new FORM 15-A shall be inserted, namely :—

"FORM-15-A

(See Rule 21-B)

Declaration/revised declaration under section 60-A of the Gujarat Sales Tax Act, 1969.

I/We..... of..... carrying on the business known as..... of..... and liable to pay the tax under the Gujarat Sales Tax Act, 1969 do hereby declare* in supersession of my previous declaration dated..... declare that I/We maintain my/our bank accounts with the following banks :—

Name of the bank and address	Name of the branch if any and address	Account No.
Place:		Signature
Date:		Status

*Applicable when there is a revised declaration.

- (1) *Enter here one of the following as may be applicable—
 - (a) the guardian/trustee or on behalf of.....
 - (b) a Hindu undivided family known as.....
 - (c) an association/club/society/institution known as.....
 - (d) a firm known as.....
 - (e) a private limited company known as.....
 - (f) a public limited company/co-operative society known as.....
- (2) The declaration shall be signed in the case of—
 - (i) a Hindu undivided family by its Karta.
 - (ii) an association, club, society or institution by its President or Chairman and the Secretary.
 - (iii) a firm by the partners having a total share of not less than 50 per cent.
 - (iv) a Private Limited Company, by all its Directors or where there are no Directors by the authorized representative of the Company nominated by the Chairman.
 - (v) a Public Limited Company or by the Managing Agent or where

Co-operative Society.

(vi) Government.

(vii) a business run by a guardian or trustees or otherwise on behalf of another person.

there are no Managing Agents by Chairman of the Board of Directors and the Society

by an officer duly authorised by it. by a person duly authorised by the guardian, trustees or the person managing the business."

5. In the said rules, in FORM-34, in para 4, for the words "or within thirty five days" the words "or within ten days" shall be substituted.

6. In the said rules, in FORM-35, in para 2, for the words "or within thirty five days" the words "or within ten days" shall be substituted.

Published in the Gujarat Government Gazette, Part IV-B, dated November 16, 1989.

AGRICULTURE AND RURAL DEVELOPMENT DEPARTMENT

No. GHKH/19-89/CTN/1082/2281-K. 7.—(Sachivalaya, Gandhinagar, 12th October, 1989)—Whereas Government Notification A & RDD No. GHKH 38-CTN-1082-2281-K. 7, dated 6th February, 1989 was published as required by sub-section (2) of section 13 of Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) at page 120 of the Government of Gujarat Gazette Part IV-A dated 6th February, 1989 inviting objection and suggestions within a period of 30 days from the date of publication thereof from all persons likely to be affected thereby.

And whereas no objection and suggestions were received from any person ;

Now therefore in exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) the Government of Gujarat hereby makes the following rules further to amend the Cotton Ginning and Pressing Factories Rules, 1974 (hereinafter referred to the said rules) namely :—

1. Short title.—These rules may be called the Gujarat Cotton Ginning and Pressing Factories (Amendment) Rules, 1989.

2. In the said rules, in rule 4—

(i) "in sub-rule (1) for the words "the Cotton Superintendent of the zone", the words and brackets "the Assistant Director of Agriculture (Cotton) having jurisdiction in the area in which factory is situated" should be substituted ;

(ii) for sub-rule (2), the following shall be substituted, namely :—

"(2) The application under sub-rule (1) shall be accompanied by treasury receipt showing the payment in the treasury of a fee as mentioned below :—

Class of factory	Licence fee
(a) Each pressing factory	Rs. 200/-
(b) Each Ginning Factory having less than 10 ten Gins.	Rs. 50/-
(c) Each Ginning Factory having more than ten Gins and less than twenty five Gins.	Rs. 75/-

1	2
(d) Each Ginning Factory having more than	Ra. 100/-
twenty five Gins.	

(iii) for sub-rule (3) the following shall be substituted, namely :—

(3) The licence shall be granted in Form A by the Assistant Director of Agriculture (Cotton) and shall remain in force for the season for which it is granted which shall be entered in the licence and on the expiry of the said period a fresh licence shall be granted on payment of fee prescribed in sub-rule (2)".

(iv) in sub-rule (5), in clause (i) for the words and figures "the Cotton superintendent may issue a provisional licence on payment of Rs. 50/-" the words, brackets and figures the "Assistant Director of Agriculture (Cotton) or Deputy Director of Agriculture (Cotton) may issue a provisional licence on payment of fee mentioned in such rule (2)" shall be substituted:

3. In the said rules after rule 6, the following new rule shall be inserted, namely :—

"6A. Powers to examine register :—

The Assistant Director of Agriculture (Cotton) having jurisdiction or any officer working under him specially empowered by the state Government to enter and inspect Cotton Ginning or Cotton Pressing factories may, when making such inspection, examine the registers mentioned in rule 5, and test the accuracy of the entries made therein".

4. In the said rules, for rule 8, the following shall be substituted, namely :—

"8. Authority competent to give a Certificate :—

For the purpose of section 3A the Director of Agriculture Gujarat State or the Joint Director of Agriculture (Cotton) shall be the authority competent to give certificate regarding the quantity of moisture contained in any cotton or quantity of seed in excess of the prescribed proportion or any admixture of two varieties in cotton or other matters specified in that section".

5. In the said rules, for rule 9, the following shall be substituted, namely :—

"9. Authority for the purpose of section 3B and 3C :—

(1) The following officers are authorised for the purpose of section 3B, namely :—

- (a) The Director of Agriculture, Gujarat State.
- (b) Joint Director of Agriculture (Cotton), Ahmedabad.
- (c) Deputy Director of Agriculture (Cotton) Surat,
- (d) Assistant Director of Agriculture (Cotton) of the zone.

(2) The following officers are authorised to enter into or inspect for the purpose of section 3C.

- (a) The Director of Agriculture, Gujarat State.
- (b) Joint Director of Agriculture (Cotton).
- (c) Deputy Director of Agriculture (Cotton), Surat.
- (d) Assistant Director of Agriculture (Cotton), of the zone.
- (e) Agriculture Officers.

(3) The things seized under section 3C shall be sealed with the official seal of the officer sealing the same and if the owner or the persons in charge of the factory so desires also with the seal of any which he may provide for the purpose”.

6. In the said rules, in rule 12, for sub-rule (1) the following shall be substituted, namely :—

“(1) the prescribed authority for the purpose of sections 7 and 8 shall be—

“(1) The Director of Agriculture, Gujarat State.

(2) Joint Director of Agriculture (Cotton).

(3) The Deputy Director of Agriculture (Cotton), Surat.

(4) Assistant Director of Agriculture (Cotton) of the zone”.

7. In the said rules for the form B” the following shall be substituted, namely :—

FORM B
[See rule—5(1)]
Ginning Register

Name and Number of Factory :—

Name and Address of Owner :—

Name of Registered Lessee (if any) :—

Gin Mark No.

Year :

Month :—

Sr. No.	Date on which cotton ginned	Name of variety	Name and address of person for whom the cotton ginned	Quantity ginned in quintal
1	2	3	4	5
Progressive total ginned cotton in Qtn. according to varieties.		Remarks	Signature of owner or person in charge of the factory or person authorised by owner.	
6		7		8

8. In the said rules for the “Form D” the following shall be substituted, namely :—

FORM D
(See rule 11(1))

District :

Return showing quantity of cotton Ginned (Kapas and lint) during the week ending the Friday dated the

Name of the Ginning Factory with correct Postal Address.

Name of the owner or of the Registered

Gin Mark No.

lesses (if any)
(1 boja-170 kgs)

Sr. No.	Name of variety	During the week		Since 1st Sept. commencement of the season		Quantity of kapas lint boja shown in column No. 3 and 4 in kgs.	
		Kapas Boja	Lint Boja	Kapas Boja	Lint Boja	Kapas Kg.	Lint Kgs.
1	2	3	4	5	6	7	8

Date

Signature of Owner or
Person in charge.

9. In the said rules for the "Form E" the following shall be substituted,
namely :—

FORM B
(See rule 11(1))

District :

Press No.

Return of cotton pressed for the week ending the Friday dated
the name of the Pressing Factory with correct Postal address :—
Name of the owner of the Registered Lease (if any) :—

Name of variety	Number of bales pro- cessed during the week	Total weight of lint in kgs. for which the bales shown in col. 2.	Average net weight per bale if pressed dur- ing the week in kgs.	Number of bales pressed since the com- mencement of the season (i.e. since 1st Sep- tember 19 to— the end of the week
1	2	3	4	5

Signature of the owner
or person in charge.

10. In the said rules for "Form F" the following shall be substituted,
namely :—

FORM F
[See Rule 11(4)]
Ginning Statement

Statement showing quantity of cotton ginned in the State of Gujarat for the
week ending the

Name of State	During the week	During the corre- sponding week of the last year	Since the com- mencement of the season since 1st September
---------------------	-----------------	--	---

1	Kapas boja 2	Lint boja 3	Kapas boja 4	Lint boja 5	Kapas Boja 6	Lint Boja 7
During the corresponding period of last year			Number of Factories which have submitted the returns		Number of factories which have submitted nil reports	
Kapas Boja 8	Lint Boja 9	10			11	

Dated

Director of Agriculture,
Gujarat State, Ahmedabad.

11. In the said rules for "Form G" the following shall be substituted, namely :—

GORM G

[See Rule 11(4)]

Statement of cotton pressed in the State of Gujarat for the week ending the

Name of the Variety	Number of bales pressed during the week		During the corresponding week of last year	
	In running bales	In bales of 170 kgs. each	In running bales	In bales of 170 kgs. each
1	2	3	4	5

Number of bales pressed

Since commencement of the season i.e. since 1st September		During the corresponding period of last year	
In running bales	In bales of 170 kgs. each	In running bales	In bales of 170 kgs. each
6	7	8	9
Number of factories which have submitted the returns		Number of factories which have submitted 'Nil' reports	
10		11	

Total :

Cotton Waste :

Director of Agriculture,
Gujarat State.

Published in the Gujarat Government Gazette, Part IV-B, dated October 12, 1989.

No. GS/89-3n-CST-1181-SBI.—(Dated 25th August, 1989).—Whereas draft Gujarat Civil Services Tribunal Payment of Fees (Inspection of Records and Certified Copies thereof) Rules, 1988, were published as required by subsection (1) of Section 20 of the Gujarat Civil Services Tribunal Act, 1972 (Gujarat Act No. 2 of 1973) at pages 1 to 7 of the Gujarat Government Gazette, Part IV-B dated the 5th January, 1989 under the Government Notification General Administration Department No. GHS-88-61-CST-1181-5131-G dated the 24th November, 1988, inviting objections and suggestions from all persons likely to be affected thereby ;

And whereas, no objections and suggestions were received from the public on the said draft ;

Now, therefore, in exercise of the powers conferred by Section 20 read with Section 18-A of the Gujarat Civil Services Tribunal Act, 1972 (Gujarat Act No. 2 of 1973), the Government of Gujarat, hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Gujarat Civil Services Tribunal Payment of Fees (Inspection of Records and Certified Copies thereof) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(a) "Secretary" means the Secretary to the Gujarat Civil Services Tribunal and includes—

(i) a Under Secretary to the Tribunal ;

(ii) a person who is for the time being discharging the functions of the Secretary ; and

(iii) a person who is for the time being discharging the functions of the Under Secretary.

3. **Records to be kept open for inspection.**—The records of the Tribunal shall be open to the inspection of the public at the hours corresponding with the Court hours of the Tribunal prescribed under Regulation 5 of the Gujarat Civil Services Tribunal Regulations, 1977.

4. **Application and procedure for obtaining certified copies.**—(1) A party to any proceeding before the Tribunal may make an application to the Secretary of the Tribunal to obtain a certified copy of any judgment, order, deposition, memorandum of evidence, or any other document filed in the said proceeding. The application shall state whether the copy applied for is required for private use or otherwise.

(2) Applications for copies by persons other than the parties to the proceeding shall be supported by adequate reasons.

(3) On receipt of the application as provided in sub-rule (1) or (2), the office shall immediately scrutinise the application with a view to ascertaining the correct number of the proceedings, names of the parties, description of the document, copy of which is applied for and whether the document is available for copying

5. **Estimation of the costs of the copies.**—The office shall estimate the costs of the copies before copying work is undertaken. The estimate should be as far as possible, cover all probable costs of the copies.

6. **D. posits of the estimated costs.** The applicant shall be called upon the deposit the estimated costs of the copies applied for, and also comply with other deficiencies, if any, in the application requesting for the copies of documents. Copying charges so estimated shall be paid in cash in advance subject to the final adjustment when copies are supplied. If the copies are to be sent by post, postal charges shall be paid thereon, in addition to copying charges.

7. **Fees for incorrect or deficient description of application.**—When the description of the document given in the application is incorrect or deficient, and it is in the consequence, necessary for the office to search the records in order to find it, a fee at the rate of one rupee for each year of which the records are searched, shall be payable by the applicant for such search, irrespective of whether the document be found or not, and whether the copy for which the applied, on examination of the said document be granted or not.

8. **Dealing with the application.**—As soon as the office finds that the application is complete in all respects, it shall be dealt by the Secretary, who may either grant or refuse it for reason to be recorded thereon, or pass such other orders as he may deem just. In case of refusal and the grounds of the refusal shall be communicated to the applicant in writing.

9. **Furnishing copies of the application.**—(1) Copies shall be furnished within fifteen days of the presentation or receipt of the application, if the application is complete on that date, unless further delay is unavoidable in which case the cause shall be endorsed on the copy. In other cases the period of fifteen days shall be computed from the date on which the application is completed in all respects.

(2) A certified copy of a part of any document on record whether exhibited or not, may in the discretion of the Secretary be given. No copy, however, shall be given of a part of judgment or of an order recorded on the application without a copy of the application itself.

10. **Endorsement on the copy.**—The following endorsement shall be made on every copy.—

- (i) The date on which the copy was applied for ;
- (ii) The date on which the application was completed ;
- (iii) The date on which the copy was ready for delivery ;
- (iv) The date on which it was delivered or posted.

To prevent unauthorised alterations being made, the date shall be written in words in distinct handwriting and the endorsement should be signed by some authorised officer of the Tribunal on the date on which it was made.

11. **Fees for copying and comparing of documents to be supplied.**—(1) The copies shall be charged at the following rates :—

(a) For copying documents in English, 5 paise for every 25 words or fraction thereof.

(b) For copying documents in regional language, 5 paise for every 33 words or fraction thereof ;

(c) For copying documents in tabular form in respective language twice the rates mentioned in (a) or (b) as the case may be.

(d) For copying a map or plan such fee not exceeding rupees 15/- and not less than Rupees 1 as the Secretary may determine.

(e) For comparing copies of the documents, a fee at the rate of 5 paise per 100 words or fraction thereof.

(2) Supply of cyclostyled documents with or without spare copies shall be charged at the following rates :—

(a) If the documents is cyclostyled but no spare copy is available and fresh typing is necessary, fees for copying and comparing as in (a), (b), (c), (d) or (e) of sub-rule (1) of this rule, as the case may be, shall be charged ;

(b) If any copy, of the cyclostyled document is to be supplied from the spare copies available in the stock, then half of the charges at (a), (b), (c), (d) or (e) of sub-rule (1) of this rule, as the case may be shall be charged.

(c) If more than one copy of the same document is asked for, for the first typed copy, charges for copying and comparing as shown in (a), (b), (c), (d) or (e) of sub-rule (1) of this rule, as the case may be and for every extra carbon copy, half of the charges payable in (a), (b), (c), (d) or (e) of sub-rule (1) of this rule as the case may be, shall be charged.

(d) For fresh typing or writing of the same document of which extra copy has been asked for, full charges for typing and comparing as prescribed in (a), (b), (c), (d) or (e) of sub-rule (1) of this rule, as the may be, shall be charged.

(3) The applicant shall be charged 5 paise or more upto 10 paise for each sheet at the discretion of the Secretary having regard to the cost of papers

12. **Charges to different persons.**—Where different persons apply for a single copy of the same document or documents, each should be supplied it at the full rates mentioned in Rule 11 as for an original and not a carbon copy.

13. **Recovery of deficit amount of estimated deposit.**—In case the estimated deposit falls short of the charges which have to be recovered in respect of copies, the balance shall be recovered from the parties or lawyer concerned before the copies are delivered personally to them. In case the applicant applies for such copies by post or where copies are required to be sent through the agency of the post, such balance may be recovered by sending copies by value payable by post (V.P.P.) or the Secretary may, in his discretion, inform the applicant to pay the deficit amount before sending the copies.

14. **Maintenance of Register.**—(a) A register of applications for copies of the documents in the custody of the Tribunal shall be maintained in the following form :—

- (1) Serial No.
- (2) Date of application.
- (3) Name of applicant.
- (4) Number and year of the case from which copy/copies is/are required.
- (5) Brief description of copies required.
- (6) Amount of estimated fees deposited and the date of deposit.
- (7) Name of copyist.
- (8) Date of completion of copy.
- (9) Date of delivery of copy of despatch by VPP.
- (10) Amount due for copying fee.
- (11) Amount due for comparing fee.

- (12) Amount due for postage in case of fees recoverable by V.P.P.
- (13) Amount of deficit, if any, and date of recovery of deficit
- (14) Amount recovered by V.P.P. and date of recovery.
- (15) Amount, if any, refunded.
- (16) Signature of applicant acknowledging refund or number and date of money order,
- (17) Signature of applicant acknowledging the receipt of copies/or VPP receipt Number and date/or registration Receipt Number and date.
- (18) Amount credited to Government,
- (19) No. & date of Treasury receipt.
- (20) Remarks.

(b) The register of applications for copies to be maintained under these rules shall daily be inspected by the Secretary and he shall see that the amounts received by way of deposits are credited by challan in the Treasury under the appropriate receipt and on the same day as far as practicable or on the next day.

Published in the Maharashtra Government Gazette, Part IV-Ba, dated October 26, 1989.

HOME DEPARTMENT

No. FLR. 1089/PRO-2 —(Mantralaya, Bombay 400 032, dated the 30th August, 1989) —Whereas the Government of Maharashtra consider that the following rules further to amend the Bombay Foreign Liquor Rules, 1953 should be brought into force at once and, therefore, the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act");

Now, therefore, in exercise of powers conferred by clauses (b), (f) and (g) of sub-section (2) of section 143 of the said Act and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the said rules as follows, namely :—

1. These rules may be called the **Bombay Foreign Liquor (Second Amendment) Rules, 1989.**

2. In the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the principal rules") after rule 47, the following rule shall be inserted, namely :—

"47-A. Consideration of application for licence by Committee.—Applications received under rule 47, shall be considered by the Committee consisting of the following members, namely :—

- | | |
|--|----------|
| (1) Collector of the District | Chairman |
| (2) Commissioner of Police or his representative who is not below the rank of Deputy Commissioner of Police. | Member. |
| (3) Superintendent of Police of the District except in Greater Bombay. | Member. |
| (4) Chief Executive Officer of the Zilla Parishad of the District and in case of Greater Bombay area the Municipal Commissioner or his representative not below the rank of Deputy Municipal Commissioner. | Member. |

- | | |
|---|---------|
| (5) Superintendent of Prohibition and Excise of the | Member- |
|---|---------|

District.

Secretary."

3. In rule 48 of the principal rules, for sub-rule (1), the following sub-rules shall be substituted, namely :—

"(1) On receipt of an application under rule 47, the Collector shall make enquiries for verification of the particulars given in the application and place the application alongwith enquiry report before the Committee, for consideration of the same, by the Committee.

(1A) The Committee shall then consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in this behalf.

(1B) The Collector after duly considering the Committee's recommendation and after satisfying himself that the premises in the club where it is proposed to sell the foreign liquor are in conformity with the provisions of the rules and instructions issued in this behalf by the State Government or the Commissioner, from time to time, and that there is no other objection to grant the licence applied for, may inform the applicant of the decision and grant the licence in Form FL-IV on payment of deposit of rupees one thousand and the fee according to the following scale, namely :—

(a) In all Municipal Corporation areas Ra. 15,000 00

(b) In all other places... Ra. 6,000 00."

4. After rule 48A of the principal rules, the following rule shall be inserted, namely :—

"48A-1. Consideration of application for licence by Committee.—Applications received under rule 48A, shall be considered by the Committee constituted under the rule 47A."

5. For the rule 48B of the principal rules, the following rule shall be substituted, namely :—

"48B. Grant of licence and its duration.—(1) On receipt of an application under rule 48A, the Collector shall make enquiries for verification of the particulars given in the application and place the application alongwith inquiry report before the Committee constituted under rule 47A for consideration of the same by the Committee.

(2) The Committee shall then consider the suitability or otherwise of the applicant for the grant of licence and record its recommendation in that behalf.

(3) The Collector after duly considering the Committee's recommendation and after satisfying himself that the premises in the club where it is proposed to sell the foreign liquor are in conformity with the provisions of the rules and instructions issued in this behalf, by the State Government or the Commissioner, from time to time, and that there is no other objection to grant the licence applied for, may inform the applicant of the decision to grant such temporary licence in Form-F.L. IV on payment of a fee of rupees five hundred per function, or for such temporary period as may be specified therein."

6. In the principal rules in Form-F.L. IV, —

(i) for the brackets, words and figures "(See rule 48)", the brackets, figures, words and letter "(See rules 48 and 48B)" shall be substituted ;

(ii) after the words "during the period from to", the words "or on special function applied for" shall be inserted.

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REVENUE AND FORESTS DEPARTMENT

No. REV. 2584/153317(20)/L-2.—(Mantralaya, Bombay 400 032, dated the 8th September 1989).—In exercise of the powers conferred by section 306, read with sub-section (2) of section 262, sub-sections (2), (3) and (5) of section 262 B and section 262 C of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and of all other powers enabling it in this behalf, the Government of Maharashtra, hereby makes the following rules, the same having been published previously as required by sub-section (1) of section 329 of the said Code, namely :—

RULES

1. **Short title**—These rules may be called the **Bombay City Land Revenue Assessment Rules, 1989**.

2. **Definitions**.—In these rules, unless the context requires otherwise,—

(a) “Code” means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ;

(b) “Form” means a form appended to these rules ;

(c) “ground rent” means the rent of land reserved under the lease ;

(d) “rack rent” means the rent reserved for land and buildings together under the lease ;

(e) “premium” means a sum of money paid by a tenant or lessee to his landlord for some consideration, usually a reduction in rent ;

(f) Words and expressions used in these rules but not defined, shall have the meaning respectively assigned to them as in the Code.

3. **Maintenance of registers and statistics of sales therein**.—(1) The Collector shall cause to be compiled and maintained a register of all registered sales, leases and of awards of plots under the Land Acquisition Act, 1894 (1 of 1894), in each revenue division in the city of Bombay, in Forms I, II, III, respectively. Such registers shall contain, *inter alia*, information regarding the sale price, the estimated sale price and the valuation determined for awarding compensation, in respect of unbuilt and built up plots determined in the manner as provided in rule 4.

(2) The information compiled in the register shall be certified and signed by such officer not below the rank of an Assistant Town Planner, Senior Surveyor, or a Senior Clerk (hereinafter referred to as “the Certifying Officer”), as may be empowered, from time to time, by the Collector.

4. **Determination of sale price, estimated sale price or valuation**.—In the case of sale of plot with or without superstructure, or lease of a plot with or without superstructure, the sale price or estimated price of the plot as unbuilt plot shall be determined in accordance with the following principles, namely :—

(a) in the case of a sale or award of a plot with superstructure, an amount equal to the difference between the amount of the sale price or the valuation estimated for awarding compensation for the plot with the superstructure and the amount of the price of the superstructure on the date of the sale or the relevant date of valuation referred to in the award, shall be the sale price of the plot as unbuilt plot ;

(b) in the case of an award, if the valuation of a plot as unbuilt plot has been separately estimated, then the valuation of the plot so estimated

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